



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 March 2000

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PUBLIC ACCESS TO GOVERNMENT CONTRACTS BILL 2000

MR OSBORNE (10.31): I present the Public Access to Government Contracts Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, this is a fairly simple piece of legislation, but an important one within the context of having open and accountable government. I think all members have learnt a lot within the past few months about the vagaries of the term “commercial-in-confidence”. There is, of course, a genuine need to protect the privacy of information that is commercially sensitive to a company as they go about doing their business with government. Unfortunately, as we have seen, there are times when this facility is abused and the public interest is not served.

This legislation seeks to enforce the public’s right to know how their money is being spent and how public assets are managed, while giving business confidence that their privacy is protected. This legislation requires government to make public within 21 days the details of all contracts entered into. This could be done either by making copies of the contract available for purchase or by putting the contract on the Internet, where it could be obtained without charge.

In determining the handling of genuine commercially sensitive information, I have included criteria taken from the Government’s handbook *Principles and Guidelines for the Treatment of Commercial Information Held by ACT Government Agencies*. I think most members are aware of this document and are comfortable with its contents.

I have included in a schedule to the Bill a model confidentiality clause taken from the Government’s current guidelines. This will ensure that strict criteria are applied to what constitutes commercial confidentiality and the way it is protected in a government contract. Where commercial information is included in a government contract, it obviously should not be made available to the public, and it will not under the terms of this legislation. However, rather than the whole contract being made commercial-in-confidence as has been the practice in the past, only the information which

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is considered to be confidential in the contract will be unavailable to the public; the rest will be readily available. Had this legislation been in force some time ago, the public would have seen almost all of the Bruce Stadium user agreements within three weeks of them being signed. Another feature of this Bill is the removal of liability from government where they have acted in good faith to comply with the requirement to make contracts public.

Finally, I wish to remind members that no part of this legislation takes away the power of the Assembly to formally demand any government contract and consider its contents in full. I believe this legislation is both long overdue and well balanced and will be good for the Territory. I look forward to working with both Mr Stanhope and Mr Moore in relation to their pieces of legislation. I believe that all of us in the Assembly are moving in the same direction.

Debate (on motion by **Ms Carnell**) adjourned.

MACPHERSON COURT DEVELOPMENT APPLICATION 999477

Statement

MR HIRD: I seek leave to make a short statement about the motion standing in my on the notice paper relating to the redevelopment of Macpherson Court.

Leave granted.

MR HIRD: The redevelopment of Macpherson Court is an important part of the Government's big-flat strategy. The strategy will see the Government refurbish, redevelop or sell our multiunit complexes. The funds from any such sale will obviously go back into public housing capital expenditure as is required under the Commonwealth-State Housing Agreement, which is binding on all States and Territories. This particular redevelopment will provide a unique mix of public, community and private housing and will put any profits back into social housing programs.

There has been considerable consultation with local residents and others, as I am sure members of the Urban Services Standing Committee will attest. Apart from the usual consultation on the development application, the scale of this development has also meant consultation through a draft variation to the Territory Plan and consultation through the redevelopment of the section master plan. Apart from the Government's consultation through PALM in these processes, the Urban Services Standing Committee also conducted its own consultation before approving both the variation and the section master plan. The project has also been considered by the Majura LAPAC a number of times.

Mr Speaker, following lodgment of the development application for the construction, Community Housing Canberra has been hard at work in discussion with those people who made submissions and objections to their plans. Yesterday, at 10 past five in the afternoon, the final objections were withdrawn and, as there are no objections, PALM has approved the development. I understand that the Commissioner for Land and Planning has indicated he is happy with the process by which the objections were withdrawn.

Consequently, Mr Speaker, I will not be moving my motion today. This has been a fabulous example of a proponent working with the community to come up with solutions to community concerns. It has been a great outcome. I believe that Community Housing Canberra has acted as a model for redevelopers, and I hope that others learn from their shining example. I would also like to pay tribute to those members of the community who showed concern and to the officers of the Minister's department who worked to resolve those concerns. I also compliment Minister Smyth for his assistance in this matter.

Notice of Motion

Notice No. 2, private members business, having been called on and the member failing to move the motion, the notice was withdrawn from the notice paper, pursuant to standing order 128.

CHILDREN'S SERVICES AMENDMENT BILL 1999

[COGNATE BILL:

CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2000]

Debate resumed from 25 August 1999, on motion by **Mr Stanhope**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Children and Young People Amendment Bill 2000? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.41): Mr Speaker, the two Bills before the Assembly today essentially are aimed at the same goal - that is, to raise the minimum age at which a child can be held responsible for a crime from the age of eight to the age of 10. The age at which a child can be deemed to be capable of forming the intent to commit a crime varies from jurisdiction to jurisdiction. It ranges from the age of seven to the age of 12. At the moment, in the ACT the minimum age is deemed to be eight. It is 12 years in Canada; it is 10 in the UK, New Zealand and most Australian jurisdictions; it is eight in Scotland; it is seven in Ireland. I think it is also eight in Tasmania. So there is a wide variety of ages at which a child can be deemed to be capable of forming the intent to commit a criminal offence.

We need to be clear about what we are talking about here. There is an age below which a child is deemed to be incapable of committing a criminal offence, and that is the age of which I have just been speaking. In other words, in the ACT at the present time, if a child

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of the age of seven is charged with even a serious criminal offence, they cannot be convicted of that crime, because there is no capacity to read into the child's actions, in the terms of the law, an intent to break the law.

Similarly, there is an age at which a child is deemed to be fully an adult, at which they are assessed as being capable of committing a crime and at which their actions are to be read in the same way as an adult's actions would be read. For example, if a child of the age of 15 were to beat up an old lady, then their actions would be deemed to be capable of constituting evidence that they had formed the intention to commit that crime. The age at which that particular assumption is made is set in the ACT, and most other jurisdictions in Australia, is at the age of 14. Between the ages of 14 and, as presently in the ACT, eight a child is presumed not to be able to form the intent to commit a crime. But the presumption can be dislodged by evidence led by the prosecution in a criminal trial. If in that hypothetical case I mentioned before there is evidence that the young person kicked, punched and otherwise assaulted an elderly person, there would be some evidence that the young person knew exactly what they were doing; that they were acting deliberately, realising that what they were doing was wrong. There would be some basis on which a prosecution might successfully be brought.

This doctrine of *doli incapax*, to use the Latin term for it, applies in the ACT at the age of eight at the present time. Mr Stanhope's Bills propose to raise it to the age of 10. I can indicate that the Government, quite frankly, does not have a strong view either way about this legislation. The reason it does not have a strong view about it is that the matter, while a matter perhaps of considerable import, particularly given the recent debate about the incarceration of young people under principles of mandatory sentencing, is a principle which at the present time applies extremely rarely in the ACT. To the best of my knowledge, there is no case within the living memory of any people involved in our present criminal justice system of a child between the ages of eight and 10 being charged with a criminal offence. Much as the principle at stake here is important to discuss, I think we need to put on the record very clearly that this is not a matter which is going to affect the day-to-day workings of the criminal justice system in the ACT. That is because such prosecutions are very rare.

The issue before the Assembly, I suppose, is just how likely it will be at some point in the future that the criminal justice system will find itself having to consider the possibility of a young person being charged with an offence at around that age, between eight and 10 years. Members will be aware that just a few months ago a child was charged with murder. The offence - I use "offence" in inverted commas - had been committed when that child was 10 years of age. There was quite some controversy about it. Members might recall that the child took a younger child of about the age of seven or eight to the edge of a rock and dropped it into a river. That child could not swim, the child drowned and the young person of the age of 10 years was formally charged. There was much toing-and-froing in the New South Wales legal system about whether this was appropriate or not. A decision was ultimately by the Director of Public Prosecutions in that State and, I think, by a magistrate in that State that the child, at the age of 10, was capable of understanding that what they had done was wrong and that if they were capable of understanding the consequences of their action to that extent they should be prosecuted for murder or manslaughter in that State. The prosecution ultimately failed, I think because the jury failed to convict the child. It may have taken the view at the end of the

day that the child was not capable of forming the required criminal intent. I do not know the details of why the prosecution failed, but it did ultimately fail and the child was not convicted.

The fact that that case has arisen underscores a fairly significant fact facing this community, and that is that young people, to put it in common language, are growing up more quickly than they did some years ago. Children are exposed to many more facts of life at an earlier stage in life. Some would say that television is responsible for that. The innocence which used to characterise the young in bygone days seems to have largely disappeared from the age of six, seven or eight, depending on your child - from a relatively tender age. Unfortunately, more and more younger children - those below the age of 15, say - are coming to the attention of the criminal justice system.

The issue of whether the criminal justice system might need to confront the possibility of a prosecution for a crime of a person of the age of eight or nine, in the present context, is a real issue. It has not arisen in recent years, as I have said. There is no recollection by anybody I have spoken to in the criminal justice system of any prosecutions of children aged eight or nine in the ACT. Perhaps there have been some. We do not know of any. Mr Stanhope may know of some cases but I certainly do not. It is a possibility that such cases could arise in the future.

The question we have to ask ourselves is: If the criminal justice authorities of the Territory believe that a prosecution could be brought against a person, say, of the age of nine in the ACT, do we believe it is appropriate to interpose ourselves as the legislature and, irrespective of the judgment that the Director of Public Prosecutions and a court would make on the matter, rule out the possibility that any child under the age of 10 could commit a criminal offence? That is the issue facing us today.

Mr Speaker, we should be aware of the process that is gone through here. If at the present time a person of the age of, say, nine took certain actions that could be characterised as the committing of a criminal offence, that person's liability for prosecution would be assessed by the Director of Public Prosecutions as an independent statutory authority charged with the responsibility of bringing prosecutions in the ACT. The DPP would decide whether that person should be sent to trial or not, whether prosecution should be commenced. Let us assume that he decided that it should. Then the court would need to be satisfied that the child was capable of understanding his or her actions and be capable therefore of proceeding to trial. There are two filters in place at the present time to prevent idle, vexatious or worthless prosecutions of young people.

This legislation today, I suppose as a further protection against the possibility that an inappropriate prosecution could be brought against a young person, says that we will bring down the barrier and, even if those two conditions were to be satisfied - if the DPP was satisfied that the person could be prosecuted and the court was satisfied that, in theory, the person could be convicted - we believe that a prosecution should not be brought if a child is under the age of 10, irrespective of the circumstances, irrespective of how much material or evidence might be on the table about their capacity to form a criminal intent.

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Mr Speaker, this is a fairly esoteric debate, because there are not any prosecutions brought against such people, or if they occur they are extremely rare. In the circumstances, the ACT Government is persuaded, on the balance of the debate on this matter, that it would be better to align the ACT with most other jurisdictions in Australia and ensure that we have consistency on our statute books in this matter.

We would be strongly opposed to a young person being prosecuted for reasons other than the administration of justice in its purest sense. I am not aware of any such cases, even with older children or adults for that matter, in the ACT. But I suppose it could be said that this was the case. Members might recall the Jamie Bolger case in Britain a few years ago. Two 10-year-olds were convicted of the murder of a toddler and were given custodial sentences. In Victoria recently a court refused bail to a 10-year-old boy who was accused of a string of serious theft charges. That boy, incidentally, had been given bail on six previous occasions and had reoffended four times. There was also the case of the six-year-old in the US in the last week who had a gun in the classroom and the gun killed a seven-year-old classmate, although it is obviously impossible to say at this distance what the circumstances of that particular matter were.

Mr Speaker, we are dealing with a matter with a live philosophical debate about it, but the issues are matters for judgment and matters for balance. I have to reject Mr Stanhope's comment, when tabling this legislation a few months ago, that the Government had been quite reprehensibly inactive on this issue and had not taken up the issue of reform in this area. Reform is not as straightforward as Mr Stanhope would suggest in the comments that he made in the presentation of his Bill. The issues are complex and they are sophisticated. It is quite wrong to suggest that there is an absolute black-and-white, lay-down misere case for amending the minimum age of criminal intent from eight to 10. That is not the case.

As I have said, despite the fact that there is not a strong argument either way, the Government believes that on the balance of the debate it is better to align the ACT with most other Australian jurisdictions - as I have said, not all follow this position - and support the legislation which is now before the house.

MR OSBORNE (10.55): I am in a similar position to that of the Government in relation to this legislation. I do not have a strong view one way or the other. A piece of legislation like oversimplifies the problem when it comes to what Mr Stanhope is attempting to do. I feel that we need to be cautious. I agree with Mr Humphries that children of today are exposed to a lot more. They are growing up a lot more quickly. There are things on TV that I will not let my children watch because of what is exposes them to. If my five-year-old watches certain shows, he seems to become more aggressive. It is sad that we are living in an environment where our children are exposed to what they are. Some people would argue that that is a good thing.

We are living in a society where younger and younger children are aware of, and are exposed to, things which force them to grow up. This legislation is not as simple as Mr Stanhope made out. I do not intend to vote against it. I just hope and pray that we are not faced with a situation in the ACT in the next few years where a child of eight or nine comes before the court or is in the spotlight for committing an offence which perhaps you could argue they should be held responsible for. I agree with Mr Humphries. I think there

are a number of safeguards in place already, but I accept that it would be more sensible for our legislation to be in line with legislation in the rest of the country. I hope that we are not forced to revisit this issue over time. Every time I hear mention of or think about cases like the Jamie Bolger case or in the case of the little girl in America who was shot the other day, it has a profound effect on me, being a father with young children. That it is young children committing the offences saddens me.

As I have said, I do not intend to vote against the legislation. I think the issue is far more complicated than Mr Stanhope would have us think, but on balance I will not be objecting to the legislation.

MR HARGREAVES (10.59): We all seem to be agreed on consistency with other jurisdictions. It is pretty obvious when, besides us, Tasmania is the only one out that we ought to have very good reason to be consistent with the rest of the States. I would urge members to support the legislation. If commonsense in their head does not prevail, at least let that piece prevail.

Mr Speaker, when we hear about the Bolger case and cases in America of kids shooting other kids, we have to ask ourselves whether those kids have criminal intent when they do that or whether they are victims of their environment. Are they victims of the television? Are they victims of violent comic books or other pictorial representations? Are they victims of a poor home environment where parents set no example or the worst example? I might argue that if kids are aged below 10 parents carry a much greater responsibility. Sending a nine-year-old before the judicial system abrogates our responsibility to charge the parents and the wider family for that. That should be more the case.

I agree with the Attorney-General that we are talking about a very low number of cases, certainly in the ACT, although heaven knows it could happen tomorrow. We just do not know. We hope not. We pray not. I hope that the examples we have heard about are exceptions to the rule. But we have to think about whether or not we want to continue having the possibility of kids between the ages of eight and 10 subject to the judicial system.

We should have a family services, supportive mindset about kids we think have committed crimes. The Attorney-General went to the heart of the matter - the capacity of kids to form criminal intent. I do not know how many of us have nine-year-old kids, but I have a nine-year-old grandchild, and I know that she does not have that capacity. She certainly knows right from wrong, but she would not have the faintest idea of the implications and consequences of a major criminal act.

I am also concerned that putting kids through the judicial system exposes them to a court system which is complex for adults. They do not have a clue. At 10, possibly they do, even though I have my doubts about that. I do not have any difficulty with holding a person responsible for the consequences of their actions once they have made 10, but I have some doubts if they are younger than 10.

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The mere fact that we are talking about this matter urges me to start thinking about the corrections mindset that we have at the moment. It worries me that people can start coming before the judicial system as young as 10 years old - or even eight under the current legislation. This side of the house has been particularly critical of the Government for moving responsibility for the Quamby Youth Detention Centre to the Justice and Community Safety portfolio. We acknowledge the Government's responsibility to do all things to cater for the Youth Detention Centre administratively, but we are critical of it being put into the corrections system. With that inevitably goes the corrections services mindset instead of a supportive family services mindset.

We do not believe that the interests of young people being sent to Quamby would be served as well in the corrections system as it would within the supportive family and children's services system. If we want to have an interventionist program with these kids who have gone off the rails, we do not need to show them the stick, give them a long, hard look at a bit of razor wire and say, "This is what is going to happen to you. If you are naughty again, we are going to smack you again". That is silly.

We need to be attacking the reasons why they have gone off the rails and creating a supportive environment to stop them from doing that. That is the beginning of the restorative justice process - intervention when people are young. We do not need to expose them to the hard edge of the corrections system. We do not want a continuum of accommodation from Quamby through to Belconnen Remand Centre and on to Goulburn or Junee or our new prison. What I would like to see is that when people go to Quamby they do not go on to Belconnen Remand Centre or somewhere else. I do not agree that Quamby should be part of the correctives system. That is a defeatist attitude, in my view. It acknowledges that once people go there they are part of the criminal society. We have to do something about it.

I urge members to support Mr Stanhope's legislation to bring us into line with other jurisdictions. The legislation also acknowledges that we are going to treat kids who are 10 years of age or below compassionately and as kids. They are kids. I have heard the argument that kids are growing up a lot quicker these days. Certainly, the bigger kids in Rio de Janeiro have grown up a bit. Certainly, the kids in some of the South-East Asian cities have grown up a bit and they are very worldly-wise and street-wise. But you still have to ask yourself whether or not kids have the capacity to form criminal intent. I suppose the victims of pickpockets in Rome might say they have. I suspect we are talking about the influence of adults. It is the adults we ought to be holding responsible, not the kids.

If this legislation keeps kids of the age of eight or nine out of the court system, then I am all for it. We have to understand that the Family Services Act provides us with plenty of legislative strength to intervene in a family where something has gone wrong. If we have a recidivist nine-year-old, the Family Services Act can take care of that. I ask new parents, people like the Attorney-General and Mr Osborne - and anyone who has ever had kids - to think about whether their nine-year-old or eight-year-old would be capable of drawing a pistol and shooting somebody. I suggest it is the parents' fault. I suggest it is the environment's fault. I suggest it is the media we allow them to be exposed to - TV programs, even occasionally the news, which is sensationalised. That is where the fault lies.

Behind the community policing model we had, which Mr Rugendyke is fighting so hard to reintroduce, was the interventionist model. Mr Rugendyke is saying, "Before the full weight of the law comes down on these kids, I am going to take them out the back and have a little chat to them, and put them on the straight and narrow". We ought to be empowering that sort of an approach. We ought to be empowering education officers from Family Services in places like Quamby. We ought to be empowering people under the Family Service Act. We are talking about eight-year-old children, not talking about eight-year-old adults. If you have ever had an eight-year-old kid, you will know that what I am trying to tell you is true.

I strongly urge the Assembly to support this legislation. It is sensible legislation put forward by a member who has been there and had a nine-year-old kid and knows in his heart what is the go with these kids. He also has compassion for these kids and does not want them subjected to the judicial system but helped by assistance programs. I urge the Assembly to support this legislation unanimously.

MR SPEAKER: Before I call Mr Rugendyke, I would like to acknowledge the presence in the gallery of students from Lake Ginninderra College, who are here as part of their legislative process area of study. Welcome to your Assembly.

MR RUGENDYKE (11.10): I have had a brief discussion with the students from Lake Ginninderra College about whether or not the age of criminal responsibility should be raised from eight to 10. I do not know that the students of Lake Ginninderra College have had enough time to think deeply enough about it. I am sure it would be a good lesson for the legal studies class at some stage.

I have arrested an eight-year-old for burglary. I know full well that he was fully aware of what he was doing. His big brother put him through the bathroom window because he could fit. A six-year-old in America killed his classmate with a gun. There is some discussion about whether or not he was aware of what he was doing. Given his upbringing, that kid may well have known exactly what he was doing.

Mr Stanhope: I disagree, Dave. He could not possibly have formed the intent to kill at the age of six.

MR RUGENDYKE: Mr Stanhope might hold that view, but I might have a different view. I might have the view that the violent videos our kids watch give them the knowledge and the wherewithal about firearms and an interest in firearms and dangerous activities. Video games and the violent videos our kids see have a major impact on them.

Having said all those things, I will be supporting this Bill. I think it is important to be compassionate. It is important as Mr Hargreaves said, to offer diversionary tactics, to work with children in a way that does not put them before the court before it is necessary. Given that the ACT and Tasmania are the last jurisdictions to deal with this issue, it is important that we be in line with the rest of mainland Australia, and I will be supporting this Bill.

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I will be interested to see the result of any discussion that the Lake Ginninderra College students have in relation to this issue.

MR SPEAKER: Mr Rugendyke, we welcome the presence of people in the gallery, but we do not address them from the chamber.

MR RUGENDYKE: I apologise, Mr Speaker.

MR TUCKER (11.14): The Greens also will be supporting this legislation. On one level it is about consistency across Australia, which seems reasonable in this situation, although it is not something I always see as the major argument for doing something in this place. This seems to be raising the standards, which is what I would be concerned about.

When I did the consultation for this piece of legislation, some people who work in the field were a little reluctant about supporting this legislation. They felt that some children were being so terribly failed by the social welfare system that if the criminal justice system was there to catch them that was better than nothing. That is a pretty sad state of affairs. There are probably arguments to support that. The work I did on services for children at risk in this place in the last Assembly and my current communications with the youth sector indicate to me that we are not adequately supporting families at risk, families who are troubled, and their children. I am concerned that some people in the field argue that maybe we should not support this legislation, because at least the criminal justice system is something happening.

I will be supporting this legislation. It is clear from my consultations that the criminal justice system is a disaster for a child. It is probably a disaster for anybody but particularly for children. If children are involved with the criminal justice system, it is quite difficult for them to get a positive experience out of it. They are more likely to become even more involved in antisocial behaviour because the criminal justice system is about punishment; it is not about support, rehabilitation or understanding the issues of children's lives. This should be the focus of a society interested in long-term social harmony. If you want to break the cycle of violence, you have to look at poverty and social and economic disadvantage.

Mr Rugendyke said his personal view is that violent videos stimulate an interest in violent activities and have a major impact on our children. I do not know that that is supported by evidence to the extent that you would say that violent crime committed by a child - killing another child is the example that has been given in this place - was the result of watching violent videos. The argument would have to be that a child would be very troubled to begin with before they would take such an action. Perhaps violent videos would influence such a particularly troubled child, but it is a bit of a longbow to suggest that violent videos are going to cause a child to commit murder or some other violent act. That is a discussion that has been going on in our community for some time.

I am particularly enthusiastic about violent videos myself, and I cannot say I facilitated my own children being able to watch them as children. In fact, we did not have a television for most of their young lives, so it was not an issue. It is extremely disturbing if a young

child has committed a crime of the sort that has been talked about here today. I would say there would be a good case for looking at that child's upbringing to understand how it could have come to that situation.

The legislation is fair. I will continue to keep a close eye on what is happening in our social welfare system. As I said, I am concerned that some people think the criminal justice system is better than nothing if kids are falling through the cracks that much. That argument came up when we were looking at mental health services in the ACT in the last Assembly. Legal Aid gave evidence to my committee that the criminal justice system was all that was there for people with a mental illness and that if they were arrested and incarcerated or detained someone would keep an eye on them through a serious psychotic episode. That is also totally unsatisfactory. That is why we have to be concerned about the number of people with a mental illness who end up in our gaols. These are ongoing social concerns, and this is one of the debates around the law and order response to the social support response which no doubt will continue.

MR STANHOPE (Leader of the Opposition) (11.20), in reply: Mr Speaker, I thank members for indicating that they will be supporting this proposal. It is only fair that I acknowledge that the support is rather grudgingly given.

Mr Rugendyke: Begrudgingly, no.

MR STANHOPE: No, not from you, Dave. Do not be so defensive. As members are aware, I introduced two Bills designed to change the age of criminal responsibility in the ACT from eight to 10 years. The two Bills are necessary because the ACT is in the process of overhauling the legislation relating to children and young people from both a welfare and a criminal justice perspective. Two Acts - the Children's Services Act and the Children and Young People Act - currently cover these fields. The Children's Services Act will be repealed when the Children and Young People Act comes into effect. For the record, I note that the scrutiny of Bills committee offered no comments on either of these Bills.

There are aspects of the debate that it is appropriate that I touch on, and I will do that in my comments. Mr Speaker, it is well documented that early childhood contact with the criminal justice system greatly increases the chances of the child becoming a lifelong client of the system. The clear intent of these Bills is to address that issue. The Labor Party believes, as I am sure other members do, that it is a primary responsibility of society to keep children out of the whirlpool that the criminal justice system can be.

Mr Rugendyke: Hear, hear!

MR STANHOPE: I know it is your philosophy, Dave, and I am very responsive to that. As a responsible community we must do everything in our power to help children and families in trouble. It is my view that a caring community nurtures those amongst us who need support. That is a sensible and responsible first step. A necessary step, in my view, is to raise this age limit. The focus can then be more on how we offer support for troubled families and children so desperately in need. That is a separate debate. The first step must be to remove this glaring obstacle to our capacity to help.

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The criminal justice system is rightly embedded in the fabric of social democracy as a great protector of society's values and laws. By its nature, it has to encompass all of society but, by that very nature, sometimes at the fringes it can be a formidable barrier to one of society's most important values, the offer of help to those of us who are in need. That is the issue at the heart of this debate. It is always difficult to establish an arbitrary limit in situations where there are no black-and-white answers. That is the case here.

I note that both the Attorney and Mr Osborne touched on this point. There is quite obviously no correct age of criminal responsibility. I am as aware of that as others. Why not 10½; why not 9½; why not 11? There is no way in which we can objectively suggest that there is an age over and above which a child should be deemed to be criminally responsible or should be deemed to know or not to know that what they do offends against the law. That being the case, the issue then becomes a question of judgment. Here today we are exercising our collective judgments on whether eight is an inappropriately young age at which to impute criminal responsibility or whether in our collective judgment, taking all the factors into account, 10 is a better age at which we as a community impute criminal responsibility.

The Labor Party's view is that exercise of that judgment should be based on what is fundamentally a duty of care - society's duty to ensure children are kept out of the criminal justice system wherever possible, for as long as possible. As a mature, responsible society we should offer the nurturing that families and children in trouble need.

Mr Speaker, there is a good deal of evidence to support our contention that the age should be raised. The Attorney and Mr Osborne, in their contributions to the debate, expressed concern about the sort of evidence that one might take into account, but I think there is some evidence. In a recent paper, "Criminal Careers and Crime Prevention", Dr Adam Graybar, the director of the Institute of Criminology, reported some interesting research. He found that a small number of persons in a birth cohort are responsible for the majority of the crimes committed by that birth cohort. A small minority of offenders commit the significant majority of offences. However, a small proportion of chronic offenders, about 5 per cent of males, account for about half of all offences. An early age of onset of offending foreshadows a long criminal career and many offences. These are research findings that surprise none of us. I do not think it surprises any of us to discover that 5 per cent of males in any particular birth cohort commit about half of all offences committed by that group.

We have to keep in mind that most children do not offend and that those who do offend were not born criminals. Children who do become criminals were not born criminals. Their criminality was born of other factors, other pressures and other circumstances. It was not the fact of their birth that rendered them criminals.

A report completed for the Commonwealth Attorney-General's Department - "Pathways to Prevention" - found a range of common factors associated with young offenders. These factors are childhood factors of difficult temperament and poor social skills; family factors of poor parental supervision and discipline, substance abuse, family violence and disharmony, long-term parental unemployment, and abuse and neglect; school factors of

school failure, deviant peer group, bullying and inadequate behaviour management; life factors of divorce and family break-up or death of a family member; and community and cultural factors of low income and poor housing, neighbourhood violence and crime, and lack of support services.

It can readily be seen that these matters cannot be addressed by the criminal justice system. They must be addressed by the community of parents, teachers and other significant persons in the child's life. When we as a legislature, as a community, look at how to treat children committing criminal acts and look for an explanation, we should look at those factors. We should look at the range of childhood factors - the difficult temperaments, the poor social skills. We should look at the family factors - the breakdown, the lack of parenting skills, unemployment, long-term abuse. We should look at the school factors - kids not achieving at school, being bullied at school and being inadequately managed.

There are life factors that children have absolutely no influence over. Their parents may divorce. They may come from a violent family. The family may be dysfunctional. One or both parents may have died. There are all the community and cultural factors I mentioned - low income, poor housing, neighbourhood violence. This is what crime is born from. An interface between children of eight and the police, between children of eight and the court system, between children of eight and the criminal justice system, does not address a single one of those factors. It comes too late. The issues will not have been addressed and will never be addressed once the child becomes part of the criminal justice system.

A young person's involvement in their court appearance is usually very peripheral. It is most often a dialogue between professionals, a discussion between a magistrate, a lawyer, a police officer, welfare officers and all those who become part of that case. The child is simply a spectator. We have seen that in the coverage of some of the notorious cases that have been mentioned. The child offender, the person we are concerned about, is just a spectator in a performance by a range of professionals desperately seeking an appropriate response to a child who is acting in such an antisocial, deviant and criminal way for reasons that almost certainly the child does not understand.

In the case of adults this is not always good practice and is not always good politics. It is certainly not good economics. In the case of children it is not in the child's best interests and can be counterproductive. I am talking here about the imposition of a severe and a more punitive criminal justice system and exposing to the criminal justice system everybody who offends against accepted mores. That is not good practice and it is certainly not good economics. It is not good for the children faced with those circumstances. I do not think anybody can seriously suggest that it can ever be in the best interests of a child to be confronted with, or to become part of, the criminal justice system.

From the debate we have had about a prison for the ACT, we know that it costs the ACT about \$180 per day for each person in custody. We are going to spend about \$34m on a prison. If we examined the records of the prisoners we are spending this money on, we would find that often their careers got off to an early start. It would surely be better to

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keep people out of the criminal justice system for as long as possible, to give them such care, correction, control or guidance as would best lead to maturity as responsible and useful members of the community.

Article 40 of the UN Convention on the Rights of the Child calls upon signatories to that convention to do certain things in relation to children appearing before the courts - in particular, to have cases determined in a fair hearing according to law, taking into account their age or situation, their parents or legal guardians; to establish a minimum age below which children shall be presumed not to have the capacity to infringe the penal law; and wherever appropriate and desirable to have measures for dealing with such children without resorting to judicial proceedings, provided that human rights and legal safeguards are fully respected.

It is relevant to mention that convention because, as members would be aware, in Australia's first report under article 44(1)(a) of that convention, which was issued in December 1995, the Australian Government reported to the United Nations that it was in the process of developing a model criminal code which was for all Australian jurisdictions and that under the code the age of criminal responsibility was to be standardised at 10 years or more. That was Australia's response to the United Nations Convention on the Rights of the Child. We declared to the United Nations that all Australian jurisdictions would adopt a minimum age of responsibility of 10.

As has been mentioned in the debate, Tasmania and the ACT are the only two jurisdictions in Australia that have not complied with that Commonwealth undertaking. The best interests of children and young people, whatever their age, should be the paramount consideration for all decision-makers, including parents. It cannot be in the best interests of eight-year-old and nine-year-old children to be placed before the courts. There is probably an argument to suggest that applies even to children older than that.

They did not, but other members might have pointed out the fact that New South Wales is currently thinking of lowering not necessarily the age of criminal responsibility but the age below which there is a rebuttable presumption. We await with interest the report of a committee of the New South Wales Parliament looking into whether they should adjust the rebuttable age downwards.

The Attorney gave a good summary of the various ages of responsibility. As was noted by the Attorney, there are some checks and balances in place, particularly in relation to the existence of the rebuttable presumption, which does give the courts, law enforcement authorities and family support services some discretion in relation to whether or not in certain circumstances a child should be presumed to have had a criminal intent. (*Extension of time granted*)

I know it is a flawed and difficult debate. As I said, I do not think we can ever suggest that we have got it absolutely right. Who is to say that 10, for instance, is the most appropriate age of criminal responsibility? It is almost an impossible task. As I said before, it is a question of the individual and the collective judgment of this place.

I am pleased that all members in the Assembly propose to support this proposal to increase that age in the ACT from eight to 10. I think that is appropriate. I think it sets the scene for us. I take the point that it is not an issue that has confronted us here in the ACT as a society or a community, and we can be thankful for that. It would have been quite a crushing issue for us to deal with had there been circumstances in which there was a proposal, for instance, to institute proceedings for a serious crime against an eight- or nine-year-old child here in the ACT. It would have been a devastating issue for us as a community to have to deal with. It would have highlighted that in that instance we as a community had failed that child to the extent that they were engaging in criminal behaviour at such a tender age.

I reiterate my thanks for the support of the Assembly. The fact that we here in the ACT have not been confronted with this issue in a harsh way is not the point of the debate. This is not an esoteric debate about something that does not matter. I think it matters greatly that we as a community send this signal that we care about children; that we care about the way the children are dealt with and perceived. Through debates of this sort we acknowledge that, in coming to judgments about how best to deal with children who are involved in what otherwise would be criminal behaviours and who are obviously crying out for help and support, we are prepared to look at a range of interventions in relation to family support, support at school for dysfunctional and problem children and support for families that are experiencing marital and other difficulties where children are involved.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.38): I just want to make a few more comments on a couple of issues that were raised in the in-principle debate. Mr Stanhope has reminded me that the issue of the age of criminal intent has been raised in New South Wales in recent days. My recollection goes beyond simply a committee looking at it. I understand that the New South Wales Government has announced its intention to lower from 14 to 12 the age at which a child is assumed to be an adult for all intents and purposes in imputing criminal conduct.

There have obviously been a number of offences committed by younger people in New South Wales in recent days which have led to that reaction by the New South Wales Government. It is worth bearing in mind that the view of the Labor Government of that State appears to be that the age at which children are forming that intent is getting younger rather than staying the same. If the age at which people are fully capable of forming that intent is getting lower at that end of the scale, we have to ask ourselves whether it is also getting younger at the other end of the scale that we are talking about in this debate. That is a crucial question we have to consider.

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The other comments I wanted to make briefly were on the issue of what leads people to commit crimes. Both Mr Hargreaves and Mr Stanhope raised this issue. It is an interesting issue. I for one believe that the causes of criminal activity and criminal intent are extremely complicated. They relate to a number of factors. The ones mentioned, I am sure, all contribute to that state of affairs.

Mr Hargreaves argued that if children are victims of, say, exposure to the things on television that lead them to adopt certain behaviour earlier on or if their upbringing is deficient in some way that leads them towards criminal behaviour then those things ought to be taken into account and we ought to raise the age. You could apply the arguments Mr Hargreaves has put not just to people between the ages of eight and 10 but to older young people as well and indeed even to adults. In many adults criminal behaviour relates directly to the way in which they have been brought up - from the lack of love they have been shown in their homes to the way in which their parents have set bad examples through the use of violence in homes. Equally, we could argue against prosecution of many adults in the same circumstances. But the fact is we have to have a response to this problem. If people do things which harm other people or which damage or harm property, we have taken the view that we should have some punitive steps to take against them, and it is almost entirely within the criminal justice system that that occurs.

I remind members that not long ago the ACT Government put forward legislation that would allow people who were suffering from a mental dysfunction to be dealt with outside the criminal justice system, in a system that allowed them to be confined for the duration of an episode but which was clearly not putting them within the confines of the criminal justice system. In this debate, where we are talking about the inadequacies of the criminal justice system, it would seem to me that finding alternative ways of dealing with particularly severe problems was quite an appropriate one. I remind members that it was the strong view of the Assembly that that kind of option should not be available. We have to remember that we have taken the view in this place that the criminal justice system almost has to be the way in which we deal with manifestations of problems once it becomes necessary to respond to them in this place. Perhaps we should come back and re-examine our response to that issue in the future.

Finally, I want to react to the comment by Mr Stanhope that no child is born a criminal. He mentioned a number of factors which lead to criminal behaviour. He talked about upbringing, an environment of crime, example and so on. But he has raised that very difficult longstanding debate about the balance between environment and heredity, the balance between people's genetic disposition to certain things and the environment in which they are placed.

I certainly believe that there is undoubtedly a question of genetic disposition which arises in this matter. That arises particularly when we look at mental illness as a factor contributing to crime. A large number of people in our gaols at the moment are clearly suffering from a degree of mental illness. Unquestionably that is the case. Is mental illness entirely a product of environment? Frankly, I doubt it. I think that at least some mental illness, and probably a large proportion of mental illness, is attributable to a genetic issue rather than to environment.

Is no child born a criminal? Perhaps not, but some children undoubtedly have a genetic legacy which is very damaging to their prospects of escaping from criminal behaviour in later life. That is why this Government, when it introduced mental health legislation more than a year ago, argued for some alternative responses to the criminal justice system where people were clearly fully mentally incapacitated. It argued for some alternatives to putting people into the criminal justice system. As I have said, we may have to return to that issue in the future.

MR STANHOPE (Leader of the Opposition) (11.45): The Attorney has raised the status of the debate in New South Wales in relation to the rebuttable presumption. I have to admit that I am not 100 per cent certain of the approach of the New South Wales Government to the debate in New South Wales about the proposal to lower the rebuttal presumption age from 14 to 12. My understanding - I am prepared to be corrected - is that the stage reached in New South Wales is that the New South Wales criminal law division of the Attorney-General's Department has issued a discussion paper entitled "A Review of the Law of the Age of Criminal Responsibility of Children". I understand it is restricted to the prospect of reducing the age at which the rebuttable presumption kicks in.

The proposal for law reform that accompanies the discussion paper that was issued refers to the fact that over the past two years the criminal law division had sought submissions on *doli incapax* from relevant organisations and individuals. The discussion paper that was issued by the Attorney-General's Department distils the issues raised in the submissions. My understanding was that the New South Wales Government had not pre-empted the work of the department in relation to the review of the age of criminal responsibility but was certainly facilitating a debate and was prepared to propose for debate and discussion whether or not it might be appropriate to reduce that age. That is my understanding of the situation in New South Wales, but I might be a little bit out of date on that and I am prepared to stand corrected.

I conclude my remarks by referring to the last comment by the Attorney, which I find quite interesting. He suggested that there may be a genetic link between criminality - - -

Mr Humphries: In some cases.

MR STANHOPE: In some cases. It is a very interesting concept, one I find a little bit worrying, but I note that the Attorney raises it in the context of appropriate responses to people with mental illness. My thinking on that, intuitively, would be that if, as a result of a certain mental incapacity or a certain mental disposition or disability, a person engaged in criminal behaviour, the question to be considered is whether or not the mental capacity, disposition or disability contributed to the capacity of the individual to know whether or not what it was that they were doing was criminal or whether or not they had a capacity to control their behaviour.

I am always a little bit disturbed to hear suggestions that a person's genetic make-up is responsible for their criminal behaviour, but perhaps that is a debate for another day. It is the sort of assertion or assumption that leads us down some very dangerous paths in relation to assuming that certain individuals are, as a result of their genetic structure, more

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likely to be criminals. I would have thought that those sorts of criminalological assumptions had been abandoned a fair while ago. However, I take the point the Attorney was making. I think they were theories propounded in the middle of last century by a noted Italian criminologist who believed that, by feeling the skulls of infants at birth, you could automatically determine whether or not they would become criminals by the shape of the forehead and the number of bumps on the head.

These are worrying suggestions. I think we need to be very careful when we talk about a person's genetic make-up being responsible for their behaviour. It is the sort of assertion that could lead us anywhere. It is potentially very dangerous and should be distinguished very much from approaches to the position of mentally ill people and the responses of the criminal justice system to people who commit crimes because of a mental disability.

Bill, as a whole, agreed to.

Bill agreed to.

CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2000

Debate resumed from 16 February 2000, on motion by **Mr Stanhope**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ENVIRONMENT PROTECTION AMENDMENT BILL (NO 2) 1999

Debate resumed from 8 December 1999, on motion by **Ms Tucker**:

That this Bill be agreed to in principle.

MR CORBELL (11.51): Mr Speaker, the Labor Party will be supporting this Bill today. We believe that the Bill is a positive and useful step towards ensuring that government agencies and other statutory authorities are accountable to the community and, indeed, to this Assembly when it comes to the provision of information in relation to the impact of their actions and the steps they take to ensure ecologically sustainable development. Mr Speaker, the principles of ecologically sustainable development are well established and they do highlight the importance of governments taking positive action to ensure not only that our environment is protected but also that it is managed and operated by our society in a way which is sustainable in the long term.

These concepts are not new. They have emerged through a process of debate over the past couple of decades. What is being proposed by Ms Tucker today is simply the next evolutionary step in achieving a greater level of accountability and transparency in the actual impact that government agencies will have and do have on the environment and what steps and activities they undertake to achieve and meet those principles of ecological sustainability. Those principles are not radical any more; they are principles which are accepted by all parts of this chamber, even Mr Rugendyke, who often has a complaint about legless lizards. Nevertheless, he still accepts, I am sure, the importance of the principles of ecologically sustainable development. I certainly hope that he does, anyway.

Ms Tucker's Bill outlines a range of areas where a government agency or a statutory authority will need to report on how it is achieving the implementation of ecologically sustainable development objectives and where it is having an impact. Mr Speaker, the first of these relates to outlining how any of its actions or administration of legislation accords with the principles of ecological sustainable development. That seems to be particularly important when you look at the activities of agencies such as PALM and the Office of Infrastructure and Asset Management. Those two agencies have considerable involvement in the development of the city. Indeed, the example that springs to mind most obviously is the development of greenfield estates.

The development of greenfield estates in new areas of Gungahlin and Tuggeranong has an obvious impact on the environment. The design of such estates certainly has changed in recent years. There have been improvements, but I would have to say from my own experience that there have been considerable problems with the designs of new estates. I would argue that we are not seeing ecologically sustainable development principles being applied in the development of such estates across the board. Certain elements are, such as mandatory energy ratings for new dwellings being four stars or higher. Measures are being taken to achieve that, such as the orientation of buildings to the north. That, obviously, is then reflected in the layout of streets within greenfield estates in that the streets are not aligned so that all the buildings face east-west, as we see in many of our older suburbs.

Nevertheless, there are issues which are not achieving ecologically sustainable development, issues to do with the increase in hardstanding in new greenfield developments, where considerable areas of land are covered in concrete, bitumen or paving of one sort or the other. With smaller blocks, there is a much higher percentage of hardstanding in place than with larger blocks. We have potential problems there with runoff and we have potential problems with the ability of the land to cope with the natural rainfall of the area. I do not think that those issues are being properly considered in the design of new estates and they are issues which do have a direct impact on whether we are doing everything possible as a community to meet the principles of ecologically sustainable development.

Proposed section 158A(3)(a) of Ms Tucker's Bill does provide for a greater level of accountability and transparency in trying to identify exactly what actions bodies are taking to accord with the principles of ecologically sustainable development in relation to their administration of legislation. Among the other points outlined by Ms Tucker in her Bill are issues relating to the outputs specified by the reporting agency or authority in budget

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papers relating to the period of a particular budget and how those outputs contributed to ecologically sustainable development. I admit that this will be a difficult task because you will be looking at the whole range of outputs across the budget papers. Nevertheless, it is a positive step that should be at least attempted by the Government. I think it will help to focus government agencies and authorities on exactly how their activities have an impact and whether they actually contribute to ecologically sustainable development.

Of the paragraphs from (a) to (e) identified in proposed section 158A(3) of Ms Tucker's Bill, I would have to say that paragraph (b) is probably the most difficult and the most challenging because it applies, at least on my reading of it, across all outputs of all government agencies and authorities as identified in budget papers. Nevertheless, as I said, I believe that it will be a positive step if this Assembly agrees to it. Paragraph (c) deals with the documentation of the effect of the reporter's actions on the environment. That is also a quite useful element of the Bill. As I indicated in relation to paragraph (a), it does give us the opportunity to see how government agencies and authorities are impacting on the environment and whether that is occurring in a positive or negative way. Again, it will help to focus the minds of government authorities and agencies on exactly how they go about their business, as they are obliged to by the government of the day, and whether they are meeting the requirements that this Assembly has generally agreed to already about the importance of ecologically sustainable development.

Paragraph (d) deals with the identification of any measures that the government agency or authority is taking to minimise the impact of actions by that agency or authority on the environment. I think that that is very important. For example, we have seen in recent months problems with landfill at the Belconnen tip and how the activities of both the government area responsible for the management of the landfill site at Belconnen and the company that was depositing the waste there could have had an impact on the environment and on the health of people in the area. It is important to require that government agencies and authorities be able to document the effect of their actions on the environment because it makes them think about what they are doing and how it is impacting on the environment and the area in which they work, and it makes them think about it in a proactive way. I am sure that in many instances that is occurring already; so perhaps it could be argued that this Bill simply formalises what government agencies and authorities already do and provides that information to the Assembly. Either way, it is a sensible course of action.

Finally, I think that paragraph (e) of the Bill is of considerable significance. It identifies the mechanisms, if any, that the government agency or authority has for reviewing and increasing the effectiveness of measures relating to the implementation of ecologically sustainable development objectives. Again, that allows the Assembly to keep a check on exactly what government authorities and agencies are doing. Are they simply stating that these principles are important, but not putting them into practice? This is where that can be tested from the Assembly's point of view. This is where non-Executive members of this place can sit in committees of this place and can sit here in the chamber itself and question officials or a Minister on the mechanisms that they have identified in their reports for reviewing and increasing the effectiveness of ESD measures and ask whether those mechanisms are adequate or, if they do not exist at all, why they do not exist, or what activities they are undertaking to improve those mechanisms.

A range of issues can be identified there. We have to have that there because the rhetoric of governments of all persuasions is not backed up by the resourcing or the action needed to make sure that it actually happens. I would have to say that of this Government in particular, as identified by the Commissioner for the Environment in his most recent report on the Government's no waste strategy, which highlighted the fact that the resourcing and the commitment to delivering on programs was not backing up the rhetoric from the Government.

That is a complaint that I am receiving increasingly from a range of organisations across the community with an interest in environmental management and protection. It is a complaint that I am receiving from those who are involved with our major parks, involved with our national parks, involved with issues to do with the environmental protection, and involved with issues to do with decreasing the impact of our community on the environment. They are all uniformly reporting to me that the Government's rhetoric is not backed up by the resourcing or the action needed to make sure that it actually happens. Mr Speaker, paragraph (e) gives the Assembly an additional ability to question and scrutinise whether the Government is serious on issues to do with ESD and it certainly should be supported.

Mr Speaker, overall, the notion of ecologically sustainable development is important. It is generally accepted in this place, but we have to put it into practice. We cannot simply allow it to be a mantra which is not in any way seriously linked to the business of government and the process of administration in this Territory. This Bill is a useful step towards achieving that and the Labor Opposition will be supporting the Bill today.

MR SMYTH (Minister for Urban Services) (12.03): Mr Speaker, the Government will not be supporting the Bill simply because we think we have the runs on the board on this issue. Mr Corbell said several times in his speech that it is about putting it into practice. I think that this Government has proved by things such as the action plan for endangered species, the greenhouse strategy, the no waste by 2010 strategy, the pollutant loading fees from 1 July 2000, the national packaging covenant and used packaging strategy, the national environment protection measures and the land management agreement for rural lessees, to name just a few from a long and comprehensive list, that it is actually out there doing something.

What does the Bill do? It simply creates more bureaucracy, more pages in annual reports. Mr Corbell acknowledged that public service bodies were already doing these things, and they are; but, more importantly, they are doing them on the ground. We are doing something in reality; we are not just writing about it. We are committed to ESD; but, rather than just writing about it, our actions speak far louder than our words.

There are difficulties with this Bill in that it does not achieve what Ms Tucker has set out to achieve. For instance, there is an unintended consequence as to the scope of the Auditor-General's power in taking the definition of "public authority" from the Annual Reports (Government Agencies) Act and pasting it into sections of the Auditor-General Act to replace the definition of "Territory entity". By removing "Territory entity" and replacing it with "public authority" under Ms Tucker's amendment we would take from the Auditor-General the power to conduct a performance audit of, for instance, the

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Assembly Secretariat. It may please the Clerk and the staff that the Secretariat would not be a public authority under that definition. There are flaws in this Bill. For that reason, it should not be passed. Other bodies that would not be covered by a performance audit by the Auditor-General include ACTEW Energy, ACTEW Investments and ACTEW China Pty Ltd. Bruce Operations Pty Ltd, for instance, would not be subject to a performance audit, nor would Bruce Property Trust or CIT Solutions. For the executives, the whole of the second floor, there would be no performance audit. Gold Creek Country Club is another. The Nicholls Primary School shared facility would not be open for audit, nor would the University of Canberra or the Workers Compensation Supplementation Fund. There are flaws in the Bill. Rather than going on with it, the Government believes that it should be defeated.

MR SPEAKER: Ms Tucker, did you wish to close the debate?

Ms Tucker: Can I move for an adjournment to a later time this day? I want to deal with those issues, but I do not have time to do that at this point.

MR SPEAKER: You cannot, but somebody else can. Actually, it has been pointed out to me by the Clerk that we could simply suspend the sitting for lunch and the effect would be the same.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.07 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACTEW/AGL – Proposed Joint Venture

MR STANHOPE: Mr Speaker, my question is to the Treasurer. The ABN AMRO report that the Government relied on in its attempt last year to sell ACTEW recorded a consistent profit trend in the corporations operations. The report referred to ACTEW figures projecting continuing increases in earnings before interest and taxes from \$67.9m in 1999 to \$73.2m in 2003. These projections were based on the ACTEW Corporation maintaining its current structure and operational base. Can the Treasurer tell the Assembly what profit projections have been made for the joint venture? What are the expected returns for ACTEW from the partnership, and how do they compare with the ABN AMRO projections?

MR HUMPHRIES: Mr Speaker, it would be quite impossible to predict with any accuracy what profit projections might be obtained by this partnership before the partnership is firmly put in place or even before the details have been negotiated. Obviously, both parties exercise a desire to maximise the profits that the partnership would jointly accrue, and both sides would be looking at ensuring that there was a viable basis for growing the business sufficiently to improve the profit margins, but I have no idea of what they would be. I am certain that there are no jointly determined or jointly

projected profit margins at this time. Perhaps separately, ACTEW or AGL executives have speculated about what kinds of profits might be obtainable. Presumably both sides of this negotiation believe that there are profits and perhaps they have some hope that they would be of a certain order in order to go into the business in the first place. There is certainly no projection of what those profits would be that could be projected for the benefit of this house, Mr Speaker.

In terms of the viability of ACTEW though, rather than look at projections I think it might be more useful to look at actual results and, in particular, the dividends that have been paid by ACTEW over the last few years. In the 1997-98 financial year the dividend paid to the Government was \$58m. In 1998-99 that dividend had fallen to \$43.4m. I understand that the estimated dividend for the present financial year will be lower still, something in the order of \$40m. So, Mr Speaker, again, this insular, inward-looking approach that says, "Don't worry; if we just hunker down and make sure there are no bits sticking out, if we really are very careful about what we are doing, we will be able to survive what is coming down the path by way of competition" - - -

Mr Smyth: Ostrich-like.

MR HUMPHRIES: As Mr Smyth indicates, it is a very ostrich-like approach, and I do not think we can afford to take that kind of approach.

MR STANHOPE: I have a supplementary question, Mr Speaker. I am just waiting for the Chief Minister to finish briefing the Treasurer. What estimates have been made of cost savings to be realised or financial benefits to accrue to the community from the joint venture? If they exist, will the Treasurer table them before the resumption of the debate? If they do not exist, how can the Treasurer expect the Assembly to make a sensible decision on his proposal?

MR HUMPHRIES: Cost savings accruing to the community? What does Mr Stanhope mean by cost - - -

Mr Stanhope: Financial benefits to the community. I will re-read the question if the Treasurer wishes.

MR HUMPHRIES: No, you asked what cost savings accrue to the community. You also refer to financial benefits that come to the community. Mr Speaker, the most important financial benefit that comes to the community is the assurance, not necessarily an absolute assurance but the greater likelihood, that by restructuring the business of ACTEW in the way proposed in this partnership there will be a profitable, viable, business entity in the form of ACTEW projecting dividends to the ACT community into the future. That is the most important financial benefit which we see coming from the - - -

Mr Stanhope: But you do not know if that is true.

MR HUMPHRIES: Mr Stanhope makes an excellent point, Mr Speaker. I do not know if that will be true. That is true. I cannot tell this house, with my hand on my heart, that all this will be absolutely true. I can only work on the basis of likelihoods and best educated

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assumptions about the way in which the advice that has been given to the Government and to the community, in a variety of reports and so on, should be read as indicating the likely future facing us as a community with deregulation of power utilities in the offing.

Mr Stanhope: So you did not do a cost benefit analysis.

MR HUMPHRIES: That is the basis on which I operate. Unless you have access to a crystal ball of some sort, then I am afraid it is the same basis you have to operate on as well, and all of us have to operate on. We have no alternative way of being able to make that assessment. Mr Speaker, I am prepared to read the evidence as it stands before us. Even the Australia Institute was prepared to concede that there are risks to the profit margin of ACTEW if no change occurs.

Ms Carnell: Even Mr Quinlan accepted that.

MR HUMPHRIES: Even Mr Quinlan accepted that as being the case. Now, you have maintained - - -

Mr Quinlan: When are you going to fix that problem?

MR SPEAKER: Order! Stop interjecting, please.

MR HUMPHRIES: We have this projection into the community of Labor's line: "Look, we have to restructure, yes, but all we need to do is just carve off this relatively small employment base part of ACTEW that is the retail arm, put it over into a private sector company" - - -

Mr Berry: Mr Speaker, I take a point of order. You set a new agenda last week. You said that answers will have to be concise and confined to the subject matter of the question. The supplementary question is clearly not being addressed by this Minister. You ought to sit him down.

MR HUMPHRIES: Mr Speaker, it is. The question was what are the financial benefits. The financial benefits, as I have indicated, are that there will be, Mr Berry, a security of the maintenance of the business which is ACTEW because it will have the capacity to grow in a way that ACTEW, minus, for example, the electricity retail arm, would not have a prospect of growing. How does a business which is divorced of its electricity retail customers actually grow, Mr Speaker? How does the business grow? It obviously does not. If it does it is with great difficulty. It obviously does not. Mr Speaker, that is the reason why it makes sense to have the whole of the ACTEW Corporation's present business activities at least considered for inclusion in the joint venture which has been placed before the Assembly in the form of a Bill and the motion which is on the agenda for tomorrow. It makes sense to put those in the one basket. If it makes sense not to have them in that basket, of course we should exclude them, and that may be the ultimate result of the negotiations that will be under way seriously if and when the Assembly decides to support that motion and that Bill.

Mr Speaker, the most important issue is putting the business on a secure footing. There is another benefit which is financial which is not so much about cost savings to which Mr Stanhope referred. It is financial in one sense. It is the financial security of the people who would be without that security in the event that we do not take the step to restructure, the sort of people who in the last 1½ to two years have lost their positions in ACTEW because of the changing environment in which ACTEW finds itself.

Mr Quinlan: It went close.

MR HUMPHRIES: Okay; perhaps the Opposition has a different idea of why those 200 jobs have gone from ACTEW in the last 12 months. My advice is that ACTEW has had to become leaner and meaner to face the reality of increased competition. It has had that competition at the level of corporate and commercial clients. It will have that competition at the level of residential clients in the very near future, Mr Speaker, and that is why, if we are serious about jobs and about protecting jobs, the Opposition will support this measure.

Bruce Stadium - Rock Concert

MR OSBORNE: Mr Speaker, my question is to the Chief Minister and it follows on from a question I asked her yesterday. Chief Minister, have you been able to confirm the exact number of tickets sold for the rock concert last week, and could you also provide this Assembly with the number of free tickets that were given away for the concert?

MS CARNELL: I think I said yesterday over 10,000. The number of tickets that were actually paid for was 10,558, if you want to be exact. That was the exact number that was paid for, and the break even point, if the average ticket sale was \$71, was 7,811.

ACTEW/AGL – Proposed Joint Venture

MR QUINLAN: Mr Speaker, my question is to the Treasurer. In response to one of Mr Stanhope's written questions on the proposed AGL/ACTEW partnership, ACTEW's CEO, John Mackay, advised that the changed ownership of ACTEW's water, sewerage and electricity distribution assets would have no major change from present. He did qualify his response with a little blue sky on technological change and the ability to remain abreast. I think that was the best he could rustle up at the time. Have you brought yourself sufficiently up to date to explain to this Assembly how those activities of ACTEW that are localised, natural monopolies will benefit and grow because you have sold 50 per cent of them?

MR HUMPHRIES: Mr Speaker, I have to repeat what I have said already ad nauseam in this place. The divesting of assets to the joint venture partnership is not a sale. I repeat that. It is not a sale. You do not sell something and then call it back when you want it afterwards, and that is what we have the capacity to do in this arrangement. So it is not a sale. I could reject the question as being hypothetical from that point onwards. However, I will not.

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By structuring even the water and sewerage assets in the context of that joint venture, there is still the issue of giving ACTEW a brighter outlook as a result across the board. It is not true to say that the water and sewerage sector is immune from competition and immune from being changed. As Mr Mackay pointed out in the answer that I think Mr Quinlan refers to, there are a number of cases in the ACT where people have separated from the ACTEW sewerage system using technology which will allow them to recycle their waste products and re-use them. Any householder who sits and contemplates the idea of water going from their tap down the hole of their sink appreciates that a very large amount of water each day is disposed of by householders which is actually quite useable relatively clean water. It could, for example, be used on their gardens, and it is not presently being used in that way. With the CRANOS project, for example, we have a way of being able to work on the idea of reticulating this grey water out for other uses rather than it going down into the sewerage system or going into the waste water system, but we do not have that operating on a house by house basis.

Mr Speaker, technology is changing all the time. Thirty years ago, if you said to people that you can generate your own electricity in your own home by putting a panel on your roof which catches the rays of the sun, they would laugh and think you were bloody silly, but today you can. It will be the case in the future that people will be able to separate water even from the territory-wide sewerage and water systems if, to some degree at least, technology advances to a greater stage and the technology is affordable. When those things happen, Mr Speaker, potentially even the water and sewerage arms of ACTEW will be at some risk because of change, not so much because of competition from other suppliers of those services but from competition from new technology.

If ACTEW is the little island that the Opposition wants it to be - you know, I am a rock; I put my hands over my head, keep my head down and everything will be okay - it has not got the technological base, it has not got the research and development base, and it has not got the customer base to be able to trial new ways of meeting its market. I think ACTEW should have those things. I want ACTEW to have those things because I want ACTEW to be able to grow.

There are two courses of action open to the Assembly, Mr Speaker, in respect of this matter. We can look at the elements of ACTEW which are at risk, particularly serious immediate risk, and we can cut those things off and put them out to the marketplace and hope that nothing else gets to be seriously at risk, or we can take the ACTEW business and put it into that marketplace and make it competitive in that marketplace through strategic alliances with other successful major Australian firms in a similar line of business. We have chosen the latter course of action, Mr Speaker, and I have to say I think the case for the former course of action, the case the Opposition has made out, is very weak indeed.

Mr QUINLAN: I have a supplementary question, Mr Speaker. In relation to technology, given that ACTEW, in public hands, has managed to keep abreast with technology for the best part of 30 years, and has often led the nation in relation to, say, 132kv sub-transmission around town, the construction of the Lower Molonglo Water Control Centre, CRANOS, et cetera - - -

Ms Carnell: When the Federal Government was paying.

MR QUINLAN: Do you know the technology out at Lower Molonglo? Do you know the improvements in the technology over the years? Why is there now a government vote of no confidence in the technical and managerial competence of the people that serve ACTEW today?

MR HUMPHRIES: Mr Speaker, there is no vote of no confidence in the people who serve ACTEW today. There is on the other hand a willingness to listen to the people in ACTEW who serve the community today when those people come to the ACT Government and say, "We think you need to give us a better position to be able to deal with the challenge of the future". We have not done this, Mr Speaker, as I pointed out yesterday in the debate, because the Government has any great political mileage to be made from the fact that it is prepared to sign a deal with the Australian Gas Light Corporation. I ask people to step back for one moment and to consider what is in this for this Government. Anything that goes wrong with this partnership, if it comes about, will be blamed on us, not on ACTEW, not on AGL, on us. We will bear the blame for that, Mr Speaker.

Mr Quinlan: I reckon about 18 months of launches, openings, re-packages.

MR HUMPHRIES: Listen, Mr Quinlan, for a minute, and you have a think about this. You asked what is in it for the Government and you see that there is actually very little. As I said yesterday, some money may be generated for the superannuation account, but we are not going to win the next ACT election by going out and saying, "Hey, your superannuation is being taken care of by the Government".

Mr Berry: I hate to keep raising this. I take a point of order, Mr Speaker. This Minister refuses to conform with the standing orders and you refuse to call him to book. The standing orders are clear. Standing order 118 (a) says that answers shall be concise and confined to the subject matter. The subject matter of the supplementary question was why is there now a government vote of no confidence in technical and managerial competence and so on? Why does he not just address that or sit down?

MR SPEAKER: There is no point of order, Mr Berry.

Mr Berry: Well, the new regime is dead then, is it, Mr Speaker? Fair enough.

MR SPEAKER: First of all, the Treasurer has been speaking to the supplementary question. He has been explaining. As for the second point, in terms of being concise, the Minister has been speaking for two minutes. Please continue.

Mr Berry: What about the subject matter?

MR SPEAKER: The subject matter is being canvassed at the moment. If you would listen instead of
- - -

Mr Berry: The subject matter was: Why is there now a government vote of no confidence in technical and managerial competence? Why will he not address that?

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MR SPEAKER: It is being answered. Sit down, Mr Berry.

Mr Moore: On a point of order, Mr Speaker: Since Mr Berry has raised the question, of course, it is hypothetical: Why is there a vote of no confidence? It is a hypothetical question. If he wants to play black and white with the standing orders, the question will be out of order.

MR SPEAKER: Then we will rule it out of order. I accept that. Mr Humphries, do you wish to add any more?

MR HUMPHRIES: Only to say that if members consider what it is that we are trying to do they will appreciate that, unless we are extremely stupid, which I suppose those opposite would probably assert, we have very little in this other than to position ACTEW in its marketplace in a more sustainable way. We have not done that because any of us on this side of the chamber are experts in the way that power utilities operate in a particular marketplace. We have taken that position in large part because we have heard the concerns of the people charged with the good management of ACTEW. Those people have come to us, pursuant to their statutory obligations to manage that corporation well, and have said to us, "You must act to protect the viability of this business and the value of this asset". We have decided to heed that call, Mr Speaker.

In other circumstances, if we had been told as insistently as we have by the board of ACTEW that we should do certain things and had ignored it and something disastrous had happened, Mr Speaker, what would be happening in this place right now? We would be getting motions of censure and motions of no confidence and all sorts of attacks by the Opposition. We, in fact, are choosing to accept the advice given to us by our board and, unfortunately, on this occasion this does not fit with the ideological position which those opposite have already taken on such issues.

Union Membership in the ACT

MR HIRD: Mr Speaker, my question is to the Chief Minister, Mrs Carnell, who has responsibility for industrial relations. Can the Chief Minister advise the parliament what the current level of union membership is in the ACT?

MS CARNELL: Thank you very much, Mr Hird, for the question because it has raised an important issue. I am sure that everyone except those opposite, who are a bit embarrassed, would believe it is an important issue, particularly when you look at the dynamics of the modern workplace in Canberra today, a workplace which has changed dramatically over the past decade, and continues to change even today.

As members would know, there is an increasing trend towards part time work, more flexible working hours and more flexible working arrangements between employers and employees, something that those opposite, and Mr Berry, absolutely abhor, obviously. This has led to developments in areas such as working from home, new maternity and paternity leave arrangements, the increasing use of contract employment for - - -

Mr Berry: Outworking.

Mr Hird: Mr Speaker, I am listening to this.

Mr Berry: Exploitation.

MR SPEAKER: Order, please!

Mr Berry: Reith's raiders.

MR SPEAKER: Order, please! Mr Berry, if you continue to interject I will have to deal with you.

Mr Berry: Mr Speaker, I would be disinclined to do so if you were consistent with the regime that you - - -

MR SPEAKER: Withdraw that. Withdraw that.

Mr Berry: Mr Speaker, I raise a point of order. I withdraw that. I raise a point of order.

MR SPEAKER: Thank you.

Mr Berry: There was a question asked of the Chief Minister. Did she know what the level of trade unionism is?

MS CARNELL: And I am answering it.

MR SPEAKER: And she is answering it.

Mr Berry: Well, I would like to hear the numbers.

MS CARNELL: I have been up for 30 seconds. Your point of order just took as long as I have been answering.

MR SPEAKER: If you stop interjecting she will have a chance to give you the numbers.

Mr Hird: He is reflecting on the chair anyway.

Mr Wood: She has about six pages there, for heaven's sake.

MR SPEAKER: Well, she will not be using all those, I can tell you.

MS CARNELL: Mr Speaker, these changes were introduced not only to suit employers but also to suit employees. I am sure that many women in the workplace would agree that flexible working conditions, particularly on International Women's Day, are very important. So, Mr Speaker, as workplaces change you could naturally expect that organisations such as unions, which are designed to service their members' needs, would

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change too. But you would have to say, on the basis of the figures released by the Australian Bureau of Statistics last month, that most unions in the ACT, and for that matter around the country, are not keeping pace with their members' needs.

According to the ABS, as at August 1999, just over 26 per cent of employees in Canberra, or about 38,000 workers, were members of a trade union. That represents barely one in four workers. Mr Speaker, that is an absolutely dramatic decline. Back in 1993 there were 52,000 employees in unions, and 36 per cent of the work force were union members. In other words, over the last six years there has been a loss of 14,000 union members, a drop of 27 per cent in the ACT. That is an enormous drop, and that is despite the fact that there has been a rapidly growing work force over that period and, of course, the creation of the ACT stand alone Public Service. So we have had a growth in the number of people in the work force, but an actual real reduction in the number of people who are union members.

It is worth noting too, Mr Speaker, that over the same period the percentage of union membership Australia-wide has fallen from 37 per cent to under 26 per cent. Right now, Mr Speaker, in terms of union membership, the ACT ranks equal fourth of all States and Territories.

So what has happened, Mr Speaker? What has caused this huge drop off in union coverage? Well, for a start, we know that between 1993 and 1999 the ACT's share of private sector employees increased from 50.5 per cent of the work force to over 58 per cent, so this significant growth in the size of the private sector certainly could be seen as one of the reasons for a drop off in union membership as, traditionally, the private sector has a lower membership rate than the public sector.

But the real conclusion that one can draw from these figures, Mr Speaker, is that they show that for more and more Canberrans the union movement has become less and less relevant in the workplace. They also reflect the decline in importance of unions to the future direction of the ACT, as workers have voted with their feet and their wallets either to leave the union movement or not to join.

Mr Quinlan: I take a point of order, Mr Speaker. Within the new regime that you are now operating, is this an answer to a question or is it an elongated speech?

MS CARNELL: Mr Speaker, 2½ minutes.

MR SPEAKER: No, in fact the Chief Minister has been speaking for three minutes.

MS CARNELL: Three minutes. Sorry. That included - - -

Mr Quinlan: How long to go? What is the limit?

MR SPEAKER: I will be asking people to wind up, certainly, if it gets to four minutes. Is that all right? That is a figure that I understand applies in the Senate.

MS CARNELL: Mr Speaker, I am very happy with that as long as the interjections are taken out.

MR SPEAKER: Indeed, and I am aware of that, Chief Minister. I will do my best.

MS CARNELL: In Canberra it would be fair to say that the unions have lost the support of a very large number of the people involved. Mr Speaker, I have heard Mr Stanhope describe the union movement as the industrial arm of the Labor Party, so you would have to agree, too, that the political arm of the union movement, the local Labor Party, has had, shall we say, a very similar success rate to the union movement since 1993. Since 1993 they have managed to lose two elections and they have managed to reduce their support to almost the same level as the union movement, around about 25 per cent.

Mr Stanhope: You are devastated.

MS CARNELL: You should be devastated. Mr Speaker, I ask members this: If they were thinking about joining a union and they heard people - - -

Mr Wood: This was not the question either. No, this is abuse and you know it.

MR SPEAKER: Order! The house will come to order. You are only prolonging the answer to the question. I suggest you be quiet.

MS CARNELL: To finish, Mr Speaker, what it shows is that the workplace has changed, but those opposite, and a large percentage of the union movement, not all of it, simply has not changed with the changing times. I would have to say, when you listen to people like those opposite speak as they have in this question time, it is not surprising that people in Canberra stopped voting for them and stopped joining unions.

MR HIRD: I ask a supplementary question. Can the Chief Minister say whether this dramatic decline in union membership in recent years has resulted in any change in the Government's industrial relations policies?

MS CARNELL: Mr Speaker, this Government, wherever possible, has tried since 1995 to maintain a very professional relationship with the union movement and it has achieved a huge amount. Since coming to office we have managed to conclude enterprise bargaining agreements with all unions on at least one occasion, and in this current round of bargaining a significant number have signed up again. The decline in union membership cannot be blamed on the policy options that have been adopted by this Government. There has been no second wave union industrial reforms here, Mr Speaker. In other words, the reduction in union membership cannot be blamed on the Government. I think it can be blamed on the Opposition, on the Labor Party, for simply not realising what modern employees need from their organisations.

ACTEW/AGL – Proposed Joint Venture

MR WOOD: Mr Speaker, I have a simple question to the Treasurer in relation to the proposed merger between ACTEW and AGL. Will the Treasurer tell us in the Assembly the total value of the assets being brought to the joint venture by each party?

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MR HUMPHRIES: Mr Speaker, as I hope members have appreciated so far, the assets to be brought to the partnership are yet to be determined. I have indicated, for example, in answer to a question the other day in this place that although we are willing to bring the TransACT proposal into the partnership, that is a matter of negotiation over the next few months should the Assembly give a green light for the partnership to proceed. Theoretically, the assets which are there, minus water and sewerage, are there to go into the partnership. The valuation which has been done on the total value of the assets of ACTEW has been published, I think, at some point or other. I am not sure whether it breaks down what is there, except for water and sewerage. If Mr Wood wishes to go and do his sums on the basis of published figures, he can probably work out what is potentially available on ACTEW's side to put into the partnership.

In terms of AGL, I could not say, Mr Speaker. It may be that I could give some indication of that later in the year if the partnership proceeds, but that is a matter which really is up to AGL to consider. Of course, it is a question of balancing what each side brings to the partnership that determines what kind of equalisation payment would be made as between ACTEW and AGL.

MR WOOD: I have a supplementary question, Mr Speaker. You just said, Minister, that it is a matter for AGL to consider what level of assets. Is it not a matter also for this Assembly to consider?

MR HUMPHRIES: Yes, and that is why I suggest that, at the point where the assets are valued to determine what kind of contribution each side is making to a partnership, we would need to know that we were not putting in so much more than AGL that the partnership was unfair. Bear in mind that it was only yesterday in this place, as I recall, that those opposite were saying we are going to be eaten up by this giant called AGL. If they put in more assets than we do, well, that is presumably to the ACT's advantage in some ways.

The point is that, at the end of the day, the ACT community will have to be satisfied that there is a capacity to be able to deliver equally on the partnership and that both AGL and ACTEW will produce some assets and some expertise and some other benefits which will, in synergy with each other, produce the sort of thing that we were looking for, which in this case is increased profits that come back to the ACT community as dividends and also, of course, the rather important benefit of maintenance and growth in jobs.

ACTEW/AGL – Proposed Joint Venture

MR KAINE: My question also is to the Treasurer and it also concerns the proposed ACTEW/AGL merger. It is about a matter, however, that has not loomed very large in the debate in this place, although it will be very important to a very small number of people perhaps with limited needs. Mr Treasurer, you will be aware, of course, that at present ACTEW, as part of its community service obligations, provides comparatively generous rebates to eligible age pensioners. Without going into too much detail, for an age pensioner who is a sole owner of a property, a rebate of 65 per cent is available on the water and sewerage supply charge, and for electricity consumption there is a complementary age pensioner rebate of some 19c a day in the warmer months and 67c a day during the cooler months. In short, for a typical pensioner on a fixed income, there

is a not insignificant saving of as much as \$50 to \$60 off each electricity bill. In the case of AGL, however, the available rebate on gas consumption is very much less generous. In fact, it amounts only to a few dollars off each bill. Minister, what arrangements do you intend to put in place to ensure that the level of ACTEW's community service obligations with respect to age pensioner rebates will remain intact in the event that the joint venture with AGL does proceed?

MR HUMPHRIES: Mr Speaker, this is a good question, and it is one that I think does need to be addressed fairly at this stage of the negotiation about this potential partnership. ACTEW does offer concessions to pensioners in the ACT and to other recipients of certain concessions. I think veterans of certain sorts are entitled to special concessions at a certain level. There is a range of concessions available which are paid not directly by ACTEW but by the Government via the Department of Education and Community Services. Those concessions are paid to ACTEW in the form of a community service obligation, a CSO, which in turn ACTEW passes on for the purposes for which it has been given to those particular classes of beneficiaries. The concessions which AGL offers are, Mr Kaine suggests, quite rightly, lower than the ones that ACTEW offers, but, of course, it is not actually ACTEW who is offering them. It is actually the Government which offers them.

It is the Government's intention that there should be no overall reduction in the benefit being offered to the ACT community, particularly to the classes of people that Mr Kaine refers to, via the CSO scheme operating through ACTEW. Of course, with the Utilities Bill, which is before the house at the moment, there is the capacity to enforce the situation whereby not only ACTEW but also private sector utilities in the ACT such as AGL will be obliged to offer concessions or rebates to its customers, again on the basis that we fund those in the same way that we fund the benefits that ACTEW provides, ie, through a CSO payment to that particular utility.

There may be a temptation, I suppose, to want to try to synchronise the level of concessions which are being offered, particularly if there is a single bill that is going to consumers, Mr Speaker, but, as far as the Government is concerned, that will not be achieved by lowering the concession that we offer to the level that ACTEW is currently offering to people or synchronising it in that way.

It is our view that we should continue to provide those sorts of benefits to the ACT community. The matter is subject to review. There is, in fact, a review going on at the moment into the nature and the delivery of CSOs to the community generally. I believe, Mr Speaker, that we should commit ourselves to maintenance of the level of support to the community through the CSOs, and the merger with ACTEW or joint venture should not affect that situation.

MR KAINE: I want to ask a supplementary question. Thank you for that, Minister. You mentioned the enabling legislation that allows this to occur, but I am more interested, and I am sure the current recipients are, in what is the mechanism by which it will be ensured. During the joint venture negotiations between the two corporations, can such community service obligations be specifically provided for by item and detail in the final agreement

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between them, or do you seek some other mechanism by which this new organisation will be obliged by government to meet the CSOs, even if only at the existing levels without any suggestion of variation at the moment?

MR HUMPHRIES: Mr Speaker, I suppose the agreement could build in some level of dedicated support to that particular class of recipients of benefits, but at the moment there is nothing in ACTEW's contractual obligations to the Government to provide those sorts of benefits because the Government actually pays for it itself via the CSO payments. An interesting question arises here. If the Government were to decide, for argument's sake, that we should offer the same dollar concession to a person who, say, heats their house with electricity as a person who heats their house with gas and we channelled a CSO at the present time through ACTEW and through AGL, the person who had the gas benefit would actually get a higher level of support because AGL provides its own subsidies out of its own pocket at the moment for its customers who fall in that particular category.

I think we could build into the utilities legislation a minimum level of support, and members will have the option of doing that. I think Mr Kaine is a member of the committee that is considering that matter. No, he is not, sorry. Well, members who are considering the Utilities Bill could, if they wished, build in a level of guaranteed support to certain categories of the community through the Utilities Bill. It could, however, be dealt with on a year by year basis on the basis of a government decision to maintain or to increase or to vary levels of support. That is a budget decision at the moment, but it could be built into another mechanism such as the Utilities Bill.

ACTEW/AGL – Proposed Joint Venture

MR HARGREAVES: Mr Speaker, my question, through you, is to the Treasurer. In an exchange during the ACTEW/AGL merger proposal debate yesterday the Treasurer made reference to assets of the retail business of ACTEW in a way that indicated he understood there was a body of physical assets with significant value. I quote that exchange:

Mr Humphries: Except retail assets, of course.

Mr QUINLAN: What retail assets might they be?

Mr Humphries: Retail assets.

MR QUINLAN: What are they?

Mr Humphries: Electricity retail assets.

Mr Stanhope: What is the asset you are going to sell?

Mr Humphries: You want to sell the business associated with the retailing of electricity, don't you?

MR QUINLAN: What are the assets?

Mr Humphries: Assets to do with the sale of electricity.

At that point he got some assistance from the cavalry and sat down. Now, Mr Speaker, can the Treasurer tell the Assembly to what assets he referred, or is it the case that he really has very little appreciation of the enterprise he proposes to flog off?

MR HUMPHRIES: Mr Speaker, the sorts of assets which the retail arm of ACTEW would have would include - - -

Mr Stanhope: Paperclips?

MR HUMPHRIES: Well, at one level, of course, its most important asset is the people who work for ACTEW in that particular area. As I indicated yesterday in the - - -

Mr Stanhope: But they are not for sale.

MR HUMPHRIES: They are not for sale, says Mr Stanhope.

MR SPEAKER: Be quiet. Mr Hargreaves has asked a question. He deserves an answer, and he is getting one.

MR HUMPHRIES: Mr Stanhope says they are not for sale. Under your proposal they are for sale, of course. You are proposing to sell them. That is what you are saying we should be doing in this particular situation; that we should sell them.

Mr Hargreaves: I take a point of order, Mr Speaker. I asked a question through you to Mr Humphries. I would appreciate an answer through you to me, and not a conversation between the Minister and the rest of the Assembly.

MR SPEAKER: So would I, Mr Hargreaves. Please continue, Mr Humphries.

MR HUMPHRIES: Mr Speaker, apart from the people who work in that area, and that is about 47 or so staff, there are, most importantly, the contracts which ACTEW's energy arm has already obtained. I imagine that if someone wanted to buy the retail energy arm of ACTEW at the present time it is the contracts which would be the most important asset that they would be seeking to obtain.

Incidentally, Mr Speaker, it seems to me that if someone was to buy the retail arm only of ACTEW they would have to be somebody from outside the ACT obviously. It would not be a corporation in New South Wales because the New South Wales Government has indicated already that as far as its utilities are concerned it does not wish to deal with the ACT, to quote Mr Egan's words, "because of the vagaries of the ACT Assembly". So it would have to be a corporation based either in Victoria or Queensland, or possibly an overseas corporation of some sort.

Mr Speaker, it is most unlikely, on my advice, that any such corporation would be interested in taking up the customer contracts of ACTEW and taking up the work force which services those contracts at the present time, or whatever other assets there are such as the computer system, data bases, customer lists and things of that kind. Essentially they

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want the contracts, and they would take the contracts and nothing else and say, "We will buy this from you, but we don't actually want the staff. You can leave the staff to yourself". That would leave us in the position, Mr Speaker, of what to do with those staff. Would the staff be let go, or would they be reabsorbed into the rest of ACTEW, which, of course, then would have a greater staff level for its particular activities. It would be burdened by having staff in excess of its requirements and therefore would increase its risk and its exposure to adverse levels of competition.

So, Mr Speaker, the principal asset is the customer contracts, and if Mr Hargreaves and the Opposition wish to sell those, well, that is fine. They can put that forward if they wish, but my view is that we are better off keeping those contracts for ourselves and putting them into a productive way of generating further profits for the people of the ACT.

MR HARGREAVES: I have a supplementary question. I thank the Minister for letting us know what the assets are. Will the Treasurer concede that the retail arm can be desegregated from the remainder of ACTEW without inordinate difficulty, far less difficulty in fact than will be involved in the process of setting the proposed merger in place, simply because it does not have significant physical assets?

MR HUMPHRIES: Mr Speaker, no, I would not concede that it would be easy to desegregate the retail arm of ACTEW electricity at all. In fact, there are a large number of difficult issues to consider in that process and I will run through some of those difficult issues. First of all, the question that needs to be asked is this: Would we get out of all electricity retailing or just sell the bit that is contestable at this time, ie, the major contracts that we have with certain corporate clients, and would we leave the domestic customers until later on or would we put them in the basket as well? That is an interesting question. I do not know the answer to it.

The second question is would we get rid of the electricity billing system and the meter reading functions despite the fact that we need those functions to be able to service our water and sewerage customers. Now, how do you do that? If you are not going out to read the meters of your electricity customers anymore, how do you read the meters of people for the purposes of water consumption? Do you have to have a separate work force, with one person going in to read your meter for water and another person to read your meter for electricity?

Mr Quinlan: What happens now?

MR HUMPHRIES: Mr Speaker, we contract out these functions at the present time, and they can be organised sensibly on that basis.

Mr Quinlan: Uncharted waters again, Gary.

MR HUMPHRIES: Mr Speaker, that question needs to be asked as well. The third question is will we cease to buy any electricity direct from the generators despite the fact that ACTEW itself is one of the largest users of electricity in the ACT? Things like the Lower Molonglo Water Quality Control Centre and Googong Dam use large amounts of electricity. Would we still be a purchaser in the current situation? The fourth question is:

Would we get rid of the call centre and customer inquiry facility, despite the fact that we would need to retain this to some degree for water, sewerage and electricity network calls? That is a difficult issue. A separation would not be easy on those terms.

Another question is: What do we do about ACTEW House? A whole floor of ACTEW House is taken up by those 47 people who provide electricity retail services. If they went would we still retain ACTEW House. We do not use a number of floors of ACTEW House as it is for ACTEW. With another floor vacant, would it be viable to retain ACTEW House? Perhaps not. Of course, as well as the 47 staff who work directly for ACTEW retail, there are other staff in corporate support who provide computing services and finance and personnel services of all sorts to those 47 people. How many of them would have to be retrenched or let go because we got rid of those 47 staff?

So, no, Mr Speaker, segregation would not be a simple matter. It would not be an easy matter to accomplish. It would be a matter in some ways that would necessarily result in either higher costs flowing back to the remainder of ACTEW or there being quite uncomfortable bits jutting out of our business operation which had not been taken care of by that separation. Mr Speaker, I think we need to be very careful before suggesting seriously that we can simply separate the two.

Food Products - Labelling

MS TUCKER: My question is to Mr Moore, the Minister for Health. Mr Moore, as you are aware, Heinz Wattie's has been forced to remove statements from rice cereal packets that breast milk is not sufficient to sustain a four-month to six-month baby, after a complaint was made to the ACCC about this being deceptive and misleading labelling. As I understand it, Heinz still has products on the shelves with misleading labels. As you are aware, there are some difficulties in using the Food Act to prosecute. However, it is possible to use the Fair Trading Act, section 44, for an injunction, and section 45 to require them to correct their labelling and promotional material. This was first raised with the department in 1998. Heinz has not acted in good faith when addressing the problem, and you have not acted to prosecute. If breast milk was a commercial product there would be outrage from the corporation concerned. As it is not, we rely on you as Minister for Health to ensure that public health is not compromised by commercial interests. We have these laws to ensure that companies do the right thing. What is the use of such laws if the Government does not bother to enforce them?

MR MOORE: In fact, Ms Tucker, I asked a question of the department on this matter some days ago. I think it was on Monday. I can give you a fairly comprehensive answer because I think this is an important issue. It was in October 1998 that a constituent first made a complaint that the labelling of Heinz rice cereal was false, deceptive and misleading, and contravened the ACT Food Act.

The department did carry out an investigation. The people they contacted during that investigation included the Australian New Zealand Food Authority, ANZFA, Heinz Wattie's Australasia, the local Victorian council in which the Heinz plant was located, the City of Greater Dandenong, and the Southern Metropolitan Region of the Victorian

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Department of Human Services. Heinz had replaced the wording on the label of the rice cereal packet in September 1998. However, stock with the previously worded label was still available.

A subsequent survey by the Department of Health and Community Care environmental health officers - in other words, they did their own follow-up just to make sure that things were going well - revealed that a similar cereal product with banana still contained the original wording on the label and was for sale in the ACT. Heinz advised the Department of Health and Community Care that that product was also being withdrawn. A survey conducted in July 1999 of ACT retail food outlets revealed that Heinz rice cereal with banana was still being sold with the original label. The complainant is of the opinion that the new label on Heinz rice cereal is still false, deceptive and misleading.

An opinion has been sought and received from the ACT Director of Public Prosecution as to grounds for prosecution and whether we would be successful under section 19 of the Food Act 1992. The Director of Public Prosecutions' advice indicates that whilst labelling on the rice cereal product is probably in breach of the Act, a prosecution would be very difficult and would have to rely on expert witnesses. In relation to fruit juices and gels, DPP have indicated their belief that a breach of the Act has also occurred. We had another complaint about gels and fruit juices so we also had advice from the DPP on that.

More recently, following the consumer's representations to the Australian Competition and Consumer Commission, negotiations have taken place between the ACCC and Heinz to amend the labels and advertising of Heinz rice cereal and fruit gel products. Heinz has provided undertakings and time lines to the ACCC to change the labelling and advertising of these products. This undertaking would appear to have resolved the matter. However, we are also waiting for supplementary advice from the Director of Public Prosecutions as to whether or not an interstate improvement notice can be served on Heinz in Victoria or not. My verbal advice on that matter is that we will not be able to do that in Victoria under our legislation.

Having been through those processes, I indicated on Monday that the department should approach Heinz to ensure that they understood that we have been through a process and that I was prepared to make this quite a public matter. If they were still not going to label accurately I was prepared to use the public embarrassment of their company as a method of ensuring that they would label correctly. I think that might be a more effective way in the end. I wanted to give them one last chance before I did that.

MS TUCKER: I have a supplementary question. In my first question I did acknowledge the difficulties with the Food Act, but I talked about the Fair Trading Act and you have not referred to that at all. I would like a response because it seems quite likely that we could use that, and you would not have the same problems as you would have with the Food Act.

Mr Hird: As usual, you got it wrong.

MR SPEAKER: Order, please! Ms Tucker is asking a supplementary question.

MS TUCKER: I am surprised that you let me get away with that actually. Mr Moore, do you believe it is important to take a strong stand on this, because you seem to be taking quite a soft approach when you look at how long this has been going on for since 1998?

MR MOORE: I do think it is appropriate to take a strong stance. We also want to make sure that we are appropriately armed. That is why it is that, rather than just grandstanding on the issue as Mr Quinlan would have done, we have gone through the process properly to make sure that we do have the legislation to do it. I will come back to you specifically on the issue of the Fair Trading Act. I presume that when the Director of Public Prosecutions looks at this he would look at the full range of possibilities, but I do not know that for a fact. So we will come back to you on the particular issue of the Fair Trading Act.

I think what I said to you just a few minutes ago was that having been through the proper process with Heinz, having given a company like that the opportunity to correct something that they are doing and still having them misrepresenting labelling on their baby food products, it is an appropriate time then to begin to embarrass them publicly. I am certainly prepared to do that. If these things are still sold in the ACT with this sort of labelling, I am certainly prepared to contact my ministerial colleagues in the other States and Territories as well and draw their attention to the same issue.

Bruce Stadium - Rock Concert

MR BERRY: Mr Speaker, my question is to the Chief Minister. Yesterday the Chief Minister told the Assembly that, under an arrangement with the promoter of last Saturday's Ultimate Rock Concert, BOPL was responsible for providing the facility, that is, Bruce Stadium, and the promoter was responsible for providing the artists, production, show logistics, marketing and advertising, and she believed that all the costs incurred by BOPL in preparing to stage the aborted concert would be covered by the International Touring Co's insurer. Will the Chief Minister table a copy of all documentation regarding the arrangements between BOPL and the International Touring Co., including those regarding insurance, the provision of parking, and food and beverage services, along with the names of all the other parties associated with the event, including the contractors, by close of business today?

MS CARNELL: I am sorry, Mr Speaker, I would not be able to comply with that request. Quite seriously, BOPL is a company with a board. I would obviously have to write to the board and ask for the board's approval to release those papers, just as would be the case with TotalCare or any of the other entities, Mr Speaker. I am more than happy to write to the board, which actually is now the authority as the legislation has been passed in this place, and ask them for some advice on whether they are willing to do so. I am more than happy to do that.

MR SPEAKER: Do you have a supplementary question?

MR BERRY: Yes, Mr Speaker. What guarantees can the Chief Minister give that all workers involved with this event will be paid their full entitlements, and when will they be paid? You might ask that question too if you do not know the answer.

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MS CARNELL: Mr Speaker, I am absolutely confident that the people will be paid for the work performed.

Stromlo High School - Boys' Off-line Program

MR CORBELL: Mr Speaker, my question is to the Minister for Education. Will the Minister confirm that Stromlo High School, due to the Government's system of school-based management and reduced enrolments, has been forced to effectively close the award-winning boys' off-line program that has operated for 18 years?

MR STEFANIAK: I thank the member for the question. He says, "effectively close the award-winning program". The program, unfortunately by necessity, does have to change because the teacher who has done it, and has done it very effectively and has won an award, as has his colleague who runs the unchanged girls program, has now resigned from the service. Ms Tucker laughs. Unfortunately, in relation to this, Mr Corbell, the teacher concerned wanted a guarantee that the program would run in an unaltered form for five to 10 years, as I am advised. The principal certainly could not give that guarantee, and nor should she, Mr Corbell, because that school and a number of others are to be reviewed this year, I understand, as part of the normal school review process, and all the programs are to be reviewed. I think that was quite an unreasonable request.

I can understand why the particular person concerned made that decision. I understand it had to do with their entitlements as to whether they left now in terms of superannuation, which would not be quite as good until about, I think, seven years down the track. In terms of what would be best for that individual, I can understand why that person was concerned to see what would be the best situation. However, in terms of insisting on a guarantee of five to 10 years of no change in the program, I do not think that was realistic in terms of the school. Accordingly, the principal was not able to give that guarantee.

As you are well aware, Mr Corbell, the school has had a number of meetings over the last few weeks in an effort to resolve the situation. The school board and principal, I am advised, have indicated that the off-line program will continue. They indicated that it would continue and wanted the teacher to do two lines, I think, of other teaching as well. That was also unsuitable and the resignation took effect, I am advised, at the end of last month, which was some time last week. So, at present, the program certainly is different because of that fact. The teacher did a unique program and had his own unique style. However, to say that effectively the program is to be closed is quite wrong. It is terribly important, Mr Corbell, that the off-line program continue.

Mr Corbell: It is closed, is it not, Minister? It is closed. It is not there any more. It does not exist any more, does it?

MR STEFANIAK: Obviously, Mr Corbell, the teacher concerned is no longer there, so the program he ran personally certainly does not exist now; but the school has every intention of running an off-line program for boys, and I think that is essential. In fact, Mr Corbell, since the program started some 18 years ago there have been considerable changes and considerable additions to programs like the off-line program for students.

At present the boys who would be in the program, and there are four of them, are doing a number of activities in terms of assisting them with the particular needs they have. The school is actually resourced as part of the Stromlo Learning Centre. Some 32 students are resourced as part of that learning centre. That includes the four boys who are concerned here.

MR CORBELL: I have a supplementary question. Why will the Minister not give a commitment that the Government will allocate sufficient teaching resources to Stromlo High School to ensure that this award-winning program, which at the moment is not available at any ACT government high school, is maintained as a full-time program and so that students will continue to be able to access it?

MR STEFANIAK: Mr Corbell, Stromlo High School, as I have said, is resourced for some 32 places for its learning support centre. It is resourced also in terms of how many staff it has. I understand that this teacher indicated he wanted that definite guarantee of five to 10 years, and the principal came up with a certain proposal which was not acceptable. They have every intention of maintaining an off-line program. It cannot, I think, be exactly the same as what has been run by this particular person. That is unrealistic. The school is quite capable of running an off-line program. Whilst there has been a significant hiccup, I suppose, as a result of the particular person no longer continuing in the service, the school has every intention of running an off-line program, and I am very keen to see that it does so, Mr Corbell. I think that is absolutely essential.

Alcohol and Drug Program - Methadone Treatment Administration

MR RUGENDYKE: My question is to the Health Minister. Minister, I am advised that there are client records missing from the alcohol and drug program's methadone treatment administration. Could you please advise the Assembly whether this is the case? If so, how many records are missing and how long have you known about it?

MR MOORE: Thank you, Mr Rugendyke, for the question. I think I need to take you back through the history of this. My office was contacted by a disenchanted person who had been in the drug and alcohol program and was told that she had a number of missing files, which I thought was a very serious matter indeed. Considering the particular circumstances of this person, the staff member involved advised the person that what she should do with those missing files was ensure that they were returned because if there were missing files they were stolen property. The staff member then decided to give a couple of days to that person to think about that and to deal with it.

The days passed. We were contacted again with a proposal that I should take some particular action with regard to the Drug and Alcohol Service that she was unhappy about, and on those grounds the files would then be returned. I said I was not prepared to be bribed, for want of a better word, or encouraged, or however you want to put it. It was not at the level of a bribe, but it was certainly an inappropriate suggestion. Anyway, if I felt there was something wrong with the Drug and Alcohol Service I would investigate it. I was prepared for her to tell us what specific problems there were and I would investigate them anyway, so that was an irrelevant factor. They ought to be returned.

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The matter was then raised again about a week later. It was raised by me phoning the Director of Public Prosecutions to let the Director of Public Prosecutions know that I had this circumstance on my hand. He knew the particular person involved, as did I, and that made me doubt whether files were actually missing. In the interim, I had asked the drug and alcohol program whether they were aware of any missing files. They were not aware of any missing files. So there was still some doubt as to whether there were missing files or not, and I have to say that there is still some doubt about that.

I took advice from the Director of Public Prosecutions who said, "Under these circumstances you ought to give another few days. Let her know that you will report this to the police, but give her another few days to ensure that they are returned". I did that and still there were no files forthcoming. I then asked the head of community care to carry out an investigation as to the missing files and to ensure that the matter was reported to the police. It has been reported to the police and an investigation is being carried out, as I understand it, at the moment. It is a very serious matter. If such files are missing, however they became missing, they are stolen property and should be returned. If they have been taken, they are files that are of a personal nature, so we are taking this very seriously. I have taken it very seriously from the beginning and I have followed through that process.

If any member is approached under these circumstances the immediate response should be to say, "The first thing you do is return any files, if indeed there are any files and it is not just talk". There is a possibility that it is just talk, but if there are any stolen files - I cannot describe them in any other way - they need to be returned.

In the meantime, community care has been carrying out an investigation, going back through all its files to check and to see whether any files are missing. To go through the archival material as well as the material in current use is a long process. It would appear that there are no missing files from the material in current use. It is possible that there is archival material missing. A lot of files have been archived over the last 12 months. This is a particularly serious matter, Mr Rugendyke, but I have dealt with it in the most effective way I know.

Ms Carnell: I ask that all further questions be placed on the notice paper, Mr Speaker.

AUTHORITY TO BROADCAST PROCEEDINGS Paper

The following paper was presented by **Mr Speaker:**

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to subsection 8
(4) –

Authority to broadcast proceedings concerning the debate on the ACTEW/AGL
Joint Venture on Tuesday, 7 March 2000, dated 7 March 2000.

**INTERNATIONAL WOMEN'S DAY
Ministerial Statement**

MS CARNELL (Chief Minister): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on International Women's Day.

Leave granted.

MS CARNELL: Mr Speaker, as you are aware, today is International Women's Day. I am taking the opportunity of this global celebration to comment on the achievements for women here in the ACT. International Women's Day is celebrated every year throughout the world when women from all cultures and all generations celebrate the gains women have made in society. The day provides an opportunity for women to come together to reflect on their achievements and reaffirm their goals. And we can look at how these achievements for women can contribute to making our community a better place for all of us.

The Government is now in a position to know much more about who and where ACT women are. We have just released a very important publication called "Women in the ACT - A social and demographic profile". This is the first time such a detailed report about women has been done in the ACT. It is an important resource which will enable government and the community to more efficiently and effectively develop policies and programs by having available information about the current status of ACT women in many areas of their lives. These include their age and background, health and wellbeing, living arrangements and housing tenure, participation in employment and education, and issues of violence and safety.

The available data tells us that women in the ACT are, on average, better off than women nationally in a whole range of areas, including paid employment, income, health status, education levels and participation in sport and cultural activities. The participation rate of young women between 15 and 19 years in secondary school is much higher than the national average. For example, for 17-year-olds approximately 93 per cent of ACT females attend secondary school, while the national figure is about 66 per cent. It is important that, for the future, women continue to maintain their high levels of participation in school and university and continue to enter a wide and diverse field of studies.

The workplaces of the twenty-first century will demand that people be more highly educated and able to use information technology. The statistics indicate that women in Canberra are progressing faster in all age groups in using information technology than women in other States or Territories. This should enable women to have good job opportunities in the future labour market and to have access to a lot of very useful information affecting their lives.

Work force participation levels for women in the ACT (65 per cent) are also much higher than the national average, which is 55 per cent. While the public sector is still the main employer of women, in future there will be further shifts of employment growth from the public to the private sector.

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The data also shows that more women are now working in small business, taking advantage of the emerging opportunities as changes occur in the structure of the ACT economy and we see a shift to the private sector. The success of Canberra businesses in moving into national and global markets will be important in providing future growth in the Canberra economy. It appears that the future labour market will be much more dynamic and will require employees to be more flexible to change.

The Canberra community enjoys a wonderfully diverse and interesting cultural life, and ACT women participate in cultural and leisure activities more than their counterparts nationally. The health status of ACT women is also generally better than the national average, and ACT women take more health-related actions. While women here have a very high level of participation in sport and recreation activities (55.7 per cent) compared with the national average of 43 per cent, this is still much lower than the rate for ACT men, which is 71.5 per cent.

Women in the ACT have higher average income levels than the national average, mainly because of higher education levels and the nature of the work in the ACT. However, women in the ACT still earn less than men in similar occupations and industries, with the earning gap being larger in the lower-skilled occupations and service-oriented industries. This should gradually improve as the proportion of women with better education and tertiary qualifications continues to grow and more flexible employment opportunities become available for women.

The increasing participation of women in the ACT work force has also enabled many women to obtain an independent source of income and access to the future advantages of superannuation benefits after retirement. The impact of social and family changes, together with the fact that women have a longer life span, makes it very important for them to be encouraged and supported to plan their working lives and, where possible, to have an independent income, particularly after retirement and in old age.

While the recordings by authorities of the various forms of crime generally show that reported crime against women is lower in the ACT than the national average, many women in the community are concerned for their safety. This concern is higher than the national average for women in Australia. So it is very important that we pay attention to the statistics about women's feelings of lack of safety and the implications these feelings have on their participation in the life of the community.

I have highlighted only some of the findings of "Women in the ACT". While it is clear that many ACT women are doing very well, the Government is also aware of those who do not share equally in these benefits, and we are conscious of the issues that need to be addressed. In announcing that the Government will develop an action plan for women, the Government identified a range of initiatives that would contribute to improving the status of women in the ACT in the future. A key element of the plan was to undertake an audit of ACT government programs. This was done last year and was crucial in establishing some benchmarks to identify what is working well and showing good outcomes for women and also which actions should be developed and implemented in the future.

Consultations were held with diverse groups of women in the community looking at issues affecting their lives, in particular work and family, health and wellbeing, and access issues. We asked women in the ACT for their views about issues impacting on them. This information, together with the statistical data I have just referred to, has informed the development of the ACT women's action plan. We know that women in the ACT are enjoying services that are generally very high quality. But there are always some women who, for a variety of reasons, do not have such good access, and more creative strategies are necessary to reach them.

This first ACT women's action plan, that for 2000-01, is intended to make a real difference to access, equity and representation of women in the ACT. It is based around a range of government initiatives aimed at improving the status of women and provides the Government with a framework to maintain and review progress towards achieving its goals in partnership with women.

Actions in the plan include maintaining our high rate of representation of women on government boards and committees, which is currently the highest in the country; family friendly policies across government which will benefit not only women but all workers; looking at how the new ACT prison can ensure that women detainees have access to appropriate health and other support services necessary for rehabilitation; addressing the complex issues around access to services in relation to information, child care and physical and attitudinal barriers; ensuring that services are accessible to indigenous women, women with a disability and those from linguistically and culturally diverse backgrounds; more community-based services in a range of areas, including vocational education and training, health promotion, counselling and support services for women with eating disorders, women affected by violence and so on; policy development and strategic planning that are truly customer focused and include women and other population groups; and monitoring of services which records outcomes in gender disaggregated terms, is subject to continuous improvement and allows for measuring achievement of goals.

One of the key things that were reaffirmed through the consultation program was the importance of ensuring that women's needs are met through the delivery of all government programs. It is also important to acknowledge that those needs change throughout women's lives and are influenced by their different social, economic and cultural circumstances.

Mr Speaker, ACT women make a vital contribution to the social, economic and cultural life of the Territory. The Government is committed to consultation and the development of initiatives and strategies that recognise women's diversity. The ACT Women's Cultural Council, now midway through its current term, is playing a key role in assisting the Government to develop and implement policies to advance the status of women in the ACT by linking women in the ACT with the Government.

One way in which the Government recognises the work of women in our community is through the presentation of the ACT women's awards. I make these presentations every year on International Women's Day to publicly acknowledge women's contribution to community life. Since 1995, 15 women have received the awards, as well as another six

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today. These women in particular have made an incredibly diverse contribution that is highly valued by all those who know them and work with them. Mr Speaker, I would like to thank all Assembly members who came to the presentation of the ACT International Women's Day awards today. I am sure everybody would agree that the awards were presented to a great group of women who have contributed significantly.

The Government has been working to continue to improve the lives of all women in the ACT. It recognises that women have a lot to offer and that there have been many achievements, but let us not forget that there is always more to do. I believe that it is appropriate to highlight today, on International Women's Day, the huge contribution that women have made. It is also important to emphasise the Government's continuing commitment to working in partnership with women in the ACT.

Mr Speaker, this is an important day. It is a day of celebration, of looking to the future, of resetting goals and of thinking of women in other countries who have a huge amount to achieve at this stage.

I present the following paper:

International Women's Day - ministerial statement, 8 March 2000.

I move:

That the Assembly takes note of the paper.

MS TUCKER (3.54): I am also pleased to speak today on International Women's Day. I would like to echo the Chief Minister's positive comments about progress that has been made in the ACT and about the achievements of women in the ACT. I commend the Government's foray into social policy for women in particular, taking on gender as a subject. I remember earlier on in this place we had less than satisfactory discussions with this Government about their focus on women's policy. I see that they have moved forward by undertaking a women's audit.

I understand that the Chief Minister today spoke of two different documents - a women's action plan and "Women in the ACT - A social and demographic profile". The Chief Minister is not listening, so she cannot confirm that.

Ms Carnell: Yes, I am.

MS TUCKER: Are there two documents? There is the social and demographic profile - - -

Ms Carnell: That was the one I talked about to start with, yes.

MS TUCKER: And there is a women's action plan.

Ms Carnell: I have not released it. It will be released in about two weeks.

MS TUCKER: So we have two different documents coming out from the Government on women in the ACT. That is why we could not find the women's action plan on the web. We look forward to seeing that and also look forward to seeing "Women in the ACT - A social and demographic profile". That will have basic information very important in developing policy.

Ms Carnell: It is on the Net, Kerrie. It is on the Government's web page.

MS TUCKER: I was looking for the women's action plan on the web page, but it is not there yet.

Ms Carnell: That is not there yet. It will be there in two weeks.

MS TUCKER: That is what I am trying to clarify - which is here and which is not here yet. When I have an opportunity, I will be looking at the document that is ready. I am sure that will be very interesting. The concerns about having a gender focus in policy development have been spoken about for a long time. Later I will read out something from the Women's Electoral Lobby which I think encapsulated the need for a gender focus. It is important that people not believe that policy can be gender neutral. There are just so many examples of how that is not the case.

In a women's forum at the Commonwealth Parliamentary Association Conference in New Zealand, women from many countries around the world talked about issues for women parliamentarians and policy for women's issues. A male representative from the Northern Territory who walked into that forum had not listened to anything, particularly details from women in the developing countries. He announced that it was rubbish that you needed to have a gender focus. He said that men could equally represent women, that men could make decisions for women and that men and women were basically the same. That was quite an offensive statement, particularly in light of some of the stories we had just heard from women from the developing countries.

You cannot claim that policy is gender neutral. I will give you a few examples of how it clearly is not in Australia. These are not necessarily ACT issues but some of them are. There was an interesting paper on gender bias in legal aid. Gender bias in legal aid is not a new concern for women's groups in Australia. In 1994 the Federal Attorney-General's Department investigated gender bias in the New South Wales Legal Aid Commission. It concluded that there was indirect discrimination against women because the majority of legal aid expenditure was in criminal matters, where the majority of men sought legal aid, as compared to family law matters, where the majority of women sought legal aid. Since then, gender bias has increased. We know that that is certainly the case in the ACT. I raised that in estimates last year.

Another example would be industrial relations. The Chief Minister talked about union membership today in question time. If you look at conditions that people are successful in achieving for workers, it is clear that the industrially strong end up with the better deal and that women are highly represented in industrially weak industries. There is a disparity in conditions and salaries between men and women, so there is a gender bias there.

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Another interesting example is a local one. In hearings of the Justice and Community Safety Committee, Mr Humphries gave us a list of interests that would be represented on the community panel for the prison. I commented on the fact that a women's health person or the Women's Legal Centre was not on the panel but the Bar Association and the Law Society were. Mr Humphries said, "I have heard that the Women's Legal Centre is interested but I said they could share a position with Welfare Rights". But there are two distinct positions for the Law Society and the Bar Association. What is that saying? Is that saying the Women's Legal Centre is exactly the same as Welfare Rights? Of course they are not. He could not possibly argue that.

I said, "Why is a women's health person not on the panel for issues of drug abuse among women?". Research of women in detention shows clearly that there are very specific issues for women in prison. They are medicated, particularly with benzodiazepines. Quite often they are overmedicated. That is the way prison people respond to the depression that women often experience in prison. So there are really good reasons to have a women's health person on the panel. Mr Humphries said, "There are not going to be many women, or we might not have any, because it might cost too much. So you would not need these groups on the committee".

Another argument he put was that the main panel would be able to feed out to other groups. My question has to be: Why is it that the women's groups should be fed out to and not central? To be fair, the Women's Consultative Council is on that panel, but that is a broad group. I do not know exactly what its expertise is, but I do know that there is a women's group forming from women's service agencies in the ACT who want to have a voice on that panel and who are experts in the area. They certainly should be respected.

Another example was the recent discussion on mandatory sentencing that I had here. The gender impact of mandatory sentencing has received little attention, but it was shocking to me to see that, since mandatory sentencing was introduced, there has been a 232 per cent increase in women in prison, greater than the increase for men. That is because before mandatory sentencing the judiciary took into account that many women had babies and children. For that reason, they were not imprisoned.

Anyone interested in cycles of poverty, violence and social disadvantage would probably agree it is not real good to separate children from their mothers. So it is probably not useful to put the mothers in prison. Therefore, it is good for the judiciary to have some discretion. The policy of the Northern Territory has had a disproportionate impact on women. That is just another example of the impact on women of a particular policy.

I have been reading some information generally on women and public policy. One paper reported on the social justice report card concept. This concept was used in Victoria last year to look at the impact of Kennett's policies and approach to governance on disadvantaged people. In justifying the focus on women in the community, People Together, the group that did the social justice report card, chose to concentrate on one group of vulnerable people to assess the Government's performance on social justice. They said:

We chose women because our community social audits indicated that they are disproportionately affected by changes in government policy and programs. Women make up a large part of both the workforce and service user groups in the areas of education, community services and health. And it is these areas that have been significantly affected by government changes.

Women are generally recognised as being a critical element in creating the social fabric of a community and commonly fulfil the role of carer in all aspects of their lives. The need for women to take on the role of carer, whether it is for a partner, parent or child, is increasing, as difficulty in accessing services heightens.

So there you can see another impact. I would argue that the Federal Government's policies are similar to Victorian policies under Jeff Kennett. This is happening across Australia now. Women are carrying the load for government policies, and they are not being properly supported. We need to see very clearly what is happening when we do an analysis of women in Australia.

The findings of the audits demonstrated that women were under increasing pressure and stress and that the changes that had occurred over the past five years in Victoria, on the whole, had made life increasingly difficult for women in all aspects of their lives.

I can tell you a story of a woman in Canberra I spoke to recently. She is a single parent who has raised two daughters on her own. She has been physically unwell. She has had major invasive surgery in the last couple of years. Because her youngest daughter is now 16, she has been put onto Newstart and has had to endure some incredibly incompetent interview procedures. She has had to go into detail about her physical condition because the person involved has not been able to find the last file.

This woman has given her life to raising her children. She will not receive the benefits of superannuation. She will not receive any thanks from the Government of this country for experiencing extreme hardship. She is a physically frail and unwell person who is having to go through hideously complicated forms and showing proof of looking for work, unless she wants to get herself classified as totally disabled, which she is too proud to do. I think it is incredibly unjust and I am so incensed that this Federal Government calls itself family friendly when I see a woman like this, who has devoted her life to raising children for the good of the whole society, being punished to this degree.

We need a change in attitude to people who take on these challenges by themselves. Of course the man pissed off. He has not had anything to do with the children. He has another job; he has money; he has superannuation. This is an issue for women in Australia. While I agree with Mrs Carnell, we have real concern about what is happening for women in developing countries, and I have real concern about what is happening for impoverished women in this country. We need to be very clear on what is happening.

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I was also interested in the State of the Territory Report. It shows average weekly earnings by gender. We see that women are receiving less than men. I also noticed a large increase in part-time work. I did not see a breakdown in the State of the Territory Report on what is happening with part-time work and women. Is it mainly women doing part-time work? I would suggest it probably is. We need to look at the consequences of that for their long-term future. It may well be a legitimate choice and a good choice to take on part-time work, but if that means that they are on their own later on and they are not going to be supported by society, then how fair is that?

To end on a more positive note, I repeat that I commend the Government for taking an interest in this area, having this audit and producing these particular documents, which I will look at with great interest. I hope that we see a real interest in integrating women's issues into development of policy. I will conclude with this short statement from the Women's Electoral Lobby:

The idea that specialised women's policy machinery is needed within government has received widespread acceptance since the First UN World Conference on Women held in Mexico City in 1975. Australia has been regarded as a leader in the development of such machinery.

Women's policy machinery stems from the insight that no government activity can be assumed to be gender neutral, given the different social and workforce roles of men and women. All policy needs to be monitored for gender-specific effects, to ensure that policy and programs are compatible with government objectives of advancing the status of women.

The Australian model of such machinery puts emphasis on locating the central hub in the chief policy coordinating agency of government, where there will be automatic access to Cabinet submissions and other central government functions. This enables the mainstreaming of gender analysis into policy development work.

The Australian model also puts emphasis on integrating the reporting of gender outcomes into routine forms of government accountability, particularly Budget estimates. Guidelines for such reporting need to be clearly established and overseen by the relevant Legislative Committee.

The integration of gender accountability into government requires commitment, central location of women's policy units, possession of relevant technical expertise and an adequate consultation framework with women in the community. This includes a linking of women's information services to the policy co-ordination function, to provide feedback on women's concerns.

For the government to be proactive in women's policy it also requires a whole-of-government women's policy framework, within which responsibilities can be allocated and performance indicators established.

I totally support that position put by the Women's Electoral Lobby. I can see how there could be a place for a committee of this place to look at the material that the Government has produced today or will be producing quite soon. I am not sure which committee it would go to. Mr Quinlan would probably run a mile, but it would probably rightly be the Finance and Public Administration Committee. (*Extension of time granted*) A select committee could be an interesting idea, although I know some members would be reluctant to do that. We do not really have a specific committee except for Finance and Public Administration. That is something we could consider in the Assembly. It would be good to be able to work with the Government now that they are producing this data and analysis and to put that into some kind of action for women of the ACT.

MR STANHOPE (Leader of the Opposition) (4.10): Mr Speaker, I would also like to comment today on the importance and significance of International Women's Day. I join with the Chief Minister in celebrating all those achievements that women have enjoyed in the ACT, and I join with her in congratulating the recipients of the women's awards she announced at lunchtime today. There is no doubt that many recipients of those awards have contributed over a number of decades to the public life of all Canberrans. It is very appropriate to see their efforts rewarded in the way that they are through the International Women's Day awards.

The Chief Minister, in her contribution to the debate on International Women's Day, drew attention to a range of achievements across the board in the ACT. Some of them are very satisfying, particularly in the context of the comparisons between women in the ACT and women nationally. Some of those are worth touching on again.

The Chief Minister noted, for example, that in the ACT 93 per cent of girls complete high school and college. We are very lucky here in the ACT that that figure is matched by boys, but it is a figure that is 25 to 30 per cent above the national average and does reflect incredibly well on support in the ACT for the importance of education generally. It is a very pleasing figure and it is a very pleasing achievement. We as a community should be justly proud of that achievement. Even in the greatness of that participation, we have some additional opportunity for improvement. Whilst I applaud the completion rate, I think it has reduced a couple of percentage points over the last few years. Perhaps the Minister for Education could confirm that for us at some stage, but my understanding is that the overall figure has been higher in previous years.

The Chief Minister mentioned a range of other issues. Work force participation in the ACT for women is much higher than the national average - 65 per cent as against 55 per cent. Participation by women in sport is higher than the national average - 55 per cent as against 43 per cent. These are figures the Chief Minister referred to in her presentation today. Whilst we might be justly pleased with the response that is achieved here in the ACT, each of those figures raises a range of other questions. The fact that there is an International Women's Day at all is a reflection of the years, decades or centuries - a history, in fact - of discrimination against, and disadvantage for, women within communities. It is as a result of that discrimination and that disadvantage suffered by women that we celebrate International Women's Day. The need remains to continue to draw attention to significant continuing discrimination against women in every facet of

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life. We do not need to look particularly hard at those facets of life to be reminded on the raw data, on the figures, on the contribution rates, of the disadvantage that women continue to suffer.

The Chief Minister mentioned that I attended the International Women's Day breakfast this morning as a representative of the ACT branch of the Labor Party. She chided me gently just now about the fact that we in the Labor Party, those of us on this side of the house, are forced in this parliament into a position where we could not be represented at that breakfast by a woman member. This is something of which we are acutely conscious and aware. It is something we are determined to rectify at the next election. That position that the Labor Party finds itself in is not particularly enhanced when I look across the chamber or look at the crossbench. We do have in this parliament enormous disproportionality of representation. Only two out of 17 members are women. We all acknowledge and accept that that is not acceptable.

There is a debate to be had about that and a responsibility vested in each of the parties that seek representation in this place and seek to govern to adopt deliberate strategies for overcoming that disadvantage. Those of us within the major political parties in particular need to recognise why women we support in ACT elections are not being elected. That is a major imperative we face.

As was mentioned at the breakfast this morning by the guest speaker, Julie McCrossin, so much of the disadvantage suffered in relation to representation in business, in the professions and in politics comes down to some of the traditional roles that have been foisted on women as a result of child rearing, parenthood and everything that has flowed traditionally from the fact that it is women who bear children. So much of the discrimination that women continue to bear and have borne in the past is related directly to the child-rearing and primary caring role that women have traditionally adopted as a result of their biological circumstances.

There are enormous implications for us as a community in overcoming the biases and the discrimination that have resulted from the fact that women have been constantly discriminated against in employment because of their primary carer role. They have not proceeded through the professions to the same extent that men have. Their career progression has been truncated as a result of an expectation that they will provide that primary caring role for children; that they will pursue that primary caring role through schooling; that they will sacrifice their own recreational and professional lives.

Within business only 1.3 per cent of executives in the top 100 major corporations or companies in Australia are women. Less than 10 per cent of all legal practitioners who are elevated to the bar and take silk are women. Only 3 or 4 per cent of the judges in the nation are women. Only 2 or 3 per cent of the specialists within the medical professions are women. It would be interesting to reflect, for instance, on exactly how many of the VMOs employed in the ACT are women. Almost none.

Most of this comes back to that discrimination that results so much from the expectations and the bias that have developed over the years in relation to the primary caring expectation that we have of women. We need to address these issues and we need to

continue to be focused on the fact that women continue to be discriminated against in almost every area of life.

The State of the Territory Report the Chief Minister released reflects the fact that women do not receive equal pay; that women are more likely to work part time or in casual employment; that in other jurisdictions it is invariably women who do piecework.

I come back to a point that the Chief Minister dwelt on in question time today - the fact that the unions seem to have less impact and are less well patronised these days. I think it can be said that the unions have traditionally protected the lower paid and the most easily exploited. It is through some of those protective mechanisms that the position of women within the work force has traditionally been protected. It is a matter of grave concern that the oversight and the protection unions have given women in particular have been lessened by the fact that unions are no longer as well patronised and that they continue to be bagged and bashed by governments. (*Extension of time granted*)

There are continuing and grave issues. Some of those we do not reflect on as much as we should. I do see occasional forays in the press in relation to the extent to which most women work double shifts. Women work an enormously greater number of hours in the home than do men, despite the fact that they may be in full-time paid employment. That is an area of enormous unthinking discrimination by husbands against wives. Wives work much longer and much harder in the home than do their husbands or partners.

In this Olympic year there is something that we in Australia can reflect on in the euphoria of the Olympics. I have not seen the numbers and I have not done a count, but I would be prepared to guarantee that not only the Australian Olympic team but every other Olympic team in the world will have within its number a far greater proportion of men than women. I am prepared to guarantee that the Australian Olympic team will comprise more men than women. I am prepared to bet that there will be more men coaches at the Olympics than there will be women coaches. I am prepared to bet that there will be more men officials at the Olympics than there will be women officials.

If we follow that through in relation to the level and extent of discrimination against women in sport, it is really quite significant. I understand that, according to an assessment of the extent to which the mainstream media in Australia provides legitimate coverage of women's sport, the *Canberra Times* leads the pack, with about 10 per cent of its sports coverage going to what might be called women's sport. They are the national leaders in the coverage of women's sport. The national average for the mainstream press in the coverage of women's sport is 5 or 6 per cent. Despite the fact that, as the Chief Minister revealed in her speech, 55 per cent of women in the ACT participate in sport, the *Canberra Times* provides only 10 per cent of its sports page space to women's sport. It is ironic when possibly the most successful national team in the ACT is the Smoke Free Capitals.

Ms Carnell: Without doubt.

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MR STANHOPE: Without doubt, the Smoke Free Capitals are the most successful national team in the ACT. They are playing this weekend in the grand final against the Adelaide Flames and we hope they win. They have within their number the ACT's greatest sportsperson in Lauren Jackson. There is no doubt about that. Yet women's sport in the ACT languishes in terms of sponsorship dollars, corporate sponsorship and media coverage.

There are a couple of other points I would make. I will not go into detail, but I endorse the comments made by Ms Tucker in relation to the need for a specialist women's policy unit within government. That initiative should not have been ceased and I would propose that the unit be reconstituted.

Earlier I made the point about the absence of women in politics, particularly locally. Federally, we do far better than the national average, with 75 per cent of our Federal members being women. Federally, parties generally, have achieved what we have not been able to achieve locally. I may have my dates wrong, but it is ironic that on International Women's Day, Chief Minister, I understand that you are facing your own little trial in the Belconnen branch of the Liberal Party tonight.

Ms Carnell: No, it is not tonight.

MR STANHOPE: It is not tonight? I have got the date wrong? I am pleased about that. I am pleased that at least the Liberal Party is sensitive enough not to attack its only female member on International Women's Day.

Ms Carnell: I would not go that far.

MR STANHOPE: She would not go that far. I was going to say that I thought it was because of unusual sensitivity in the Liberal Party that they were not seeking to unseat their leader and their only woman on International Women's Day, but perhaps that is not the reason. Chief Minister, we await with great interest the outcome of that little issue for you.

I will conclude on that point, Mr Speaker, other than to say that in relation to the discrimination suffered by women there is an awful long way to go. We have barely addressed this issue. It seems to me that there is always a constant one step forward and a risk of half a step back. We await the Attorney's response in relation to the funding of the Women's Legal Centre, for instance.

MR SPEAKER: Order! The member's time has expired.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.25): Mr Speaker, I want to make a couple of comments on this matter. Ms Tucker raised some issues to do with the appointment of women to the prison community panel. I have heard the points that Ms Tucker raised. She sought the representation of two more women's organisations on the panel. I am considering the issues that she raised with me in the hearings conducted by the Justice and
Community

Safety Committee. There will be a number of women on the panel representing a range of organisations, but whether there will be the appointments Ms Tucker has sought remains to be seen.

It is worth remembering, however, that it is most likely the female population of the prison will be less than 10 per cent, based largely on the fact that women commit crimes at a much lower rate than men do. So I would expect and hope that the women's component of the prison population will be small. I will consider the issues Ms Tucker has raised, but there is a very large number of critical issues to be examined with respect to the prison. Other people would argue, quite persuasively, for other issues to be given at least as high a priority as the issue of women in the prison. We will therefore have to balance all of those competing considerations.

Mr Speaker, I was quite pleased to hear the comments made by the Opposition about their desire to address the obvious lack of women within their ranks. I am pleased that the Liberal Party has always had women among its members in this Assembly. As a party, it has been ground breaking in putting women into positions of authority and leadership within Australia generally.

Mr Quinlan: And then sacking some of them.

MR HUMPHRIES: I will come to that, Mr Quinlan. It was the Liberal Party which was the first to elect a woman to the House of Representatives. The Liberal Party was first to put a woman into Federal Cabinet. We are very proud of our record in this area. We are also very keen to make sure that women are advanced in the Liberal Party, not because of devices such as quotas or special formulas which potentially allow mediocre women to beat better candidates who are men but because we encourage people to come forward on their merits and to achieve what they can achieve on the basis of their talent and ability. That is why today the ACT has a female Chief Minister provided by the Liberal Party. It is not because she is a female, but because she is an excellent leader and a person who has continued in the ACT a tradition of providing strong, effective and popular female leaders in this Territory.

Mr Berry: And an anti-woman leader.

MR HUMPHRIES: An anti-woman party, did you say, Mr Berry? That is funny. As I look across the chamber here, it would be a bit easier to call the anti-woman party in this place the party without any women in it, I would have thought. We have always had a woman in our party in this place.

Mr Smyth: Mr Quinlan blamed the electors.

MR HUMPHRIES: Mr Quinlan blames the electors for not choosing any women for the parliamentary Labor Party. Given Mr Stanhope's comments, I would like to know how the Labor Party is going to structure its tickets next time round in the ACT to provide for winnable positions for women.

Ms Carnell: In Belconnen, is Wayne going to step down?

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MR HUMPHRIES: Good question. In Belconnen presumably Mr Stanhope will lead the Labor Party ticket. Under Labor Party rules, I understand women have to have one of each two winnable positions on a ticket, so presumably a woman would have to take the No. 2 spot in Belconnen. Is Mr Berry going to be No. 3 candidate in Belconnen? How does the ad go? "I'd like to see that". In Molonglo, are we going to see you or Mr Corbell take a back seat for a woman, Mr Quinlan?

Mr Quinlan: What ticket are we talking about, Mr Humphries?

MR HUMPHRIES: The Labor Party ticket.

Mr Quinlan: We do not have tickets, do we?

MR HUMPHRIES: You certainly do. Even since Hare-Clark with Robson rotation has been in place you have had very clear tickets.

Ms Carnell: And you have advertised in the *Canberra Times* and all sorts of places.

MR HUMPHRIES: That is right. You have said, "Here are our candidates". And - surprise, surprise - they appear in a certain order in your publications. Perhaps Mr Stanhope is going to step aside in favour of a female candidate, or Mr Berry might be the - - -

Mr Stanhope: I do not have a branch of my party moving to expel me to get you into the leadership, Mr Humphries.

MR HUMPHRIES: Mr Stanhope, if what I hear has any validity, you do have a branch, and it is called the parliamentary Labor Party. That is the branch you have to watch out for, Mr Stanhope.

Mr Stanhope: You have a third of your membership debating the expulsion of your leader. Yet you come in here and lecture us about preselection.

MR HUMPHRIES: At least we talk about these things out in the open.

Mr Stanhope: One-third of your membership is trying to expel your leader. Why would your membership want to expel your leader from the party?

MR HUMPHRIES: I can understand why Mr Stanhope would be shouting over us in the circumstances. I can understand why he would be getting a bit testy about this subject and shouting down his opponents on this. I am pretty confident that after tomorrow there will be a woman leader of the Liberal Party in the ACT. I can say with even greater certainty - - -

Mr Stanhope: How will the new preselection rules get up at your meeting, Bill?

MR HUMPHRIES: Mr Speaker, I am having great difficulty in hearing myself.

MR SPEAKER: Mr Stanhope, if you want to talk to Mr Stefaniak, please go outside. Mr Humphries has the floor.

MR HUMPHRIES: Mr Speaker, I am confident that there will be - - -

Mr Stanhope: Mr Smyth, do you want me to table them?

MR HUMPHRIES: Mr Speaker, I really have to insist on a chance to make my comments without interjection.

MR SPEAKER: I might remind Mr Stanhope that he was the one who quite rudely intruded this party matter into the debate, as I recall. I do not think it has anything to do with International Women's Day.

MR HUMPHRIES: Mr Speaker, all I need to say on this subject is that, while I am pretty confident that next week there will still be a woman leader of the Liberal Party in the ACT Legislative Assembly, I can say with much greater certainty that there will be a male leader of the Australian Labor Party in the ACT Legislative Assembly, because there is not much choice on the subject.

The suggestion that the electors are responsible for the fact that there are no women members of the ALP in this place is outrageous. It is outrageous to blame the electors of the ACT. The fact is that it is factional politics which have left the ALP without any women representatives in this place, and you have to wonder just how they are going to fix that problem. In Brindabella, for example, which of Mr Hargreaves and Mr Wood is going to step aside for a woman on the ticket? I would like to see that. In the central seat, who is going to step aside. Is it going to be Mr Quinlan or is it going to be Mr Corbell? It is going to be a very interesting contest indeed.

On this side of the house we are prepared to take positive action to back up our concern about redressing the prejudice and discrimination that have been facing women in this community. The results are pretty clear, in terms of such things as have been discussed in this debate today. Obviously more work needs to be done, but on this side of the house we are pretty proud of our record. I have no doubt that when action matches the rhetoric from the boys from the ALP they will also be able to emulate the sorts of achievements in this area which my party has been able to put in place.

MR BERRY (4.35): What an appalling and disingenuous performance that was from a Minister who sought to reduce women's right to choose. The Chief Minister boasted about her achievements on International Women's Day, when it was not that long ago that she was trying to take away a woman's right to choose. Look at the frontbench of the Liberal Party. The Chief Minister, the Deputy Chief Minister, the Minister for Urban Services, and the Minister for Education want to take away a woman's right to choose. They want to maintain the criminality of abortion in the ACT. How dare they say they have any record in relation to women's issues in this Territory.

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Isn't it interesting that we saw the Deputy Chief Minister stand up in this place and talk about tickets, when he was the strongest advocate against tickets and made sure that tickets in electoral systems could not apply? How dare he stand up and boast and poke his finger at the Labor Party about tickets. The Labor Party would have supported an electoral system where tickets and how-to-vote cards were still in place. But it was you lot, all of you blokes, that threw it out.

Let us look at the Labor Party's record. Of the first five Labor members, two were women. Of the second eight, four were women. And so on. Even the No Self Government Party beat the Liberal Party. Fifty per cent of their elected representatives were women. So do not give me that nonsense. The Labor Party had the first woman Chief Minister, and so on and so on. This Chief Minister has been the worst representative for women in the ACT.

What about the Deputy Chief Minister's approach to the women's legal service? Why was it that he refused to endorse the funding allocation recommended by the Law Society? I know why and I think most other people know why too. It was because of the women's legal service's strong stand in support of women in the ACT. It was a political decision. That is what that was all about. Let us not play with words in this place.

The Greens have a good record on electing women in the ACT, and I think the Labor Party has too. But it is true that the electoral system has worked against the Labor Party's representation of women in the ACT. We have to work out ways to address that. That is a matter for us.

But I can tell you this: There are a lot of people who would not like the Liberal Party's record on women's issues, particularly the record of the Chief Minister on women's issue - an appalling performance. You will recall the thousands of women who stood in the square outside this place and screeched at the Chief Minister because of her performance on abortion. She supported all of you blokes in here, one of you with a crucifix on your collar, trying to take away a woman's right to choose. Don't one of you ever stand up in this place and say that you are great supporters of women's issues, because you have not earned it. In fact, you have thrown it away. You have disgraced yourselves.

I come back to that issue of the electoral system and how the Minister, Mr Humphries, stood in this place preaching to us about tickets. If it was up to the Labor Party, how-to-vote cards would be in place. They are gone and we have to live with that. It is extremely ironic for the Deputy Chief Minister to stand up in this place and start criticising us over something he and his mates want. Mr Humphries, Mr Moore - all of you lot - Mr Osborne and Mr Rugendyke are great supporters of this system. Do not poke your finger at us. Have a look at your own record and have a look at what you have done. Then have a look at the party that has stood up in this place for women's issues every time it has been necessary. We have stood up and stood firm.

Every one of us regrets that more women were not elected. We will have to address that somehow. Under the system we have to deal with, we have to do it differently. As you would appreciate, the system favours incumbent people, and most of the incumbents here

are blokes. It is funny that Mr Humphries supports this system so emphatically. Let us be honest about a few things about this place.

International Women's Day, as a celebration of women's rights, is an important day on our calendar, and the debate need not have developed into a swipe across the chamber between you and us, if we had taken a bit more time to look at some of the achievements made by women in the community. At today's reception in this place I was very proud to see women recognised for their achievements, and I hope that there will be more of them. I know that there are women actively working in the community to improve women's lot, and I am sure they will get due recognition for that.

In our party - I do not know what goes on in the Liberal Party, as you would appreciate - the women's movement is strong, and they actively pursue policy issues within our policy forums to improve the lot not just of women in the Labor Party but of women generally. We think a little bit more about women's issues than just what goes on in the Labor Party. We think about women in the community.

I think my leader touched on this issue, but the Chief Minister stood up in this place boasting about the decline in union membership in Australia and the ACT. Almost in the next breath she talked about what great things she does for women. The first people hit in a predatory workplace are women. They are the first ones affected. They are the first ones who have been affected by the industrial relations system which has been introduced by the Liberal Party. They are the ones who find themselves in a weaker position, in more casualised workplaces and in outwork. They find themselves with lower incomes as a result of these sorts of practices.

A smart-alec press release and a nice speech are just not good enough. You have to be judged by your actions. If you look at what you have done federally and what you have done here, you have failed. You have failed not only women across this nation but women in the ACT.

MR STEFANIAK (Minister for Education) (4.43): One thing I agree with Mr Berry on is that this has become a slanging match across the table. When you have a number of stupid comments, I suppose that is inevitable. I have heard a lot of self-justification from the Labor Party in the last few speeches. They told us that they have done a good job in preselecting women and that if we had their system there would be a lot more women in the Assembly. They are embarrassed because there are six blokes over there. They do not have a woman member. We have a female Chief Minister, and a very good one at that.

Before I get to some of the more positive comments that one could make on this day, I also say to Mr Berry, who made a number of points about abortion, that he again presented only one side. I remind him that many women in our community do not like the idea of abortion and are in fact against abortion. It is not just a one-way street. Again, he has put simply one position.

Mr Speaker, let us look at a few positives. Firstly, might I assist Mr Stanhope? He said that maybe I could correct some figures he gave. He thought there had been a drop of a couple of percentage points in the number of girls who complete Year 12. It usually

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fluctuates between 90.8 per cent and anything up to 92 per cent. We might have gone down to about 91.5 per cent from last year, which I think was an absolute high. In the last few years I have stayed within a range of about a one percentage point and at over 90 per cent. That is a huge achievement. At least Mr Stanhope had the graciousness to say that we are about 25 per cent above national average retention rates for girls.

I give credit to some woman who used to be in the Opposition. Rosemary Follett was incorrectly omitted from an article in a paper in 1989, when Carmen Lawrence was said to be the first female Premier. In fact, Rosemary beat her to it by about six to eight weeks. That report was just indicative of the attitude of the national press towards Canberra and this Assembly. We are completely insignificant. Rosemary Follett was the first female Premier or Chief Minister anywhere in Australia.

Then we come to our present Chief Minister, who on Thursday will celebrate some five years as Chief Minister. Contrary to what Mr Berry might say, what a wonderful job she has done. When we look at the last two elections, we see that a significant amount of support for Kate Carnell comes through the women's vote. Women, possibly even more than men, like to see economic stability, a growing economy, and jobs for their children, their husbands and themselves. You only get that if you run an efficient, competent economy and an efficient, competent territory, which is certainly something this Government, under this quite remarkable female Chief Minister, has been doing for some five years. That needs to be put on the record.

We have good economic growth and we have done things that assist our economy and translate into things that many women are very concerned about. They want their children to have a future. They want their children to have a good education and a good chance of getting good jobs that are going to be meaningful and will give them satisfaction. They also want access to good jobs for themselves and their husbands or partners. That is why our current Chief Minister is so popular with many women in the Territory. Those opposite have talked a lot of nonsense. Mr Berry said that the Chief Minister had the worst record for representation of women in the ACT. That is absolute nonsense. The facts totally belie that suggestion.

Mr Stanhope mentioned media coverage of women in sport. That is still not nearly as good as it should be. I am a little surprised the figure is as low as he indicated. I thought it was about 7 or 8 per cent for the electronic media. He said that it is about 10 per cent in the *Canberra Times*. I will take that as being reasonably accurate. However, that is still very worrying. A lot of women involved in sport in Australia are trying to redress that, and that is certainly something we on this side would be very keen to see.

I recall attending a conference in Canberra about 18 months ago when this matter was raised. I would encourage the press to give far more coverage to the excellent results achieved by women in sporting events and the excellent teams we see running around not only in Canberra but Australia-wide. It gives me great pleasure as sports Minister that over the last five years the number of women in this Territory participating in sport has increased dramatically. I am delighted that the participation rate is now over 55 per cent, which is much higher than the national average.

The Bureau of Sport, Recreation and Racing puts in a lot of effort. We have a number of programs to actively encourage women to get involved in sporting and recreational activities. There are still some areas where there could be improvements. There are still problems in relation to teenage girls and ethnic women getting involved and wanting to get involved. But a lot of emphasis has gone into that through a number of programs, the most recent of which are those run through Active Australia. It is good to see significant progress being made there. That is certainly something the Government is very proud of. It is something that the Territory can be proud of. Women's sporting and recreational organisations in this Territory do a wonderful job in encouraging women and girls to be active, and I think we are starting to see some significant improvements. That is very pleasing.

There is still a difference in participation rates between women and men, but we would hope to see that difference narrow even further when the next survey comes out. I am pleased to see that in recent years that gap has been narrowing. For some of the age groups, it is a very narrow gap. But that is something we need to monitor. We still need to encourage women and to do more to improve participation even further, but the figures are very impressive.

Might I finish on a positive note by joining those of my colleagues who have paid tribute to the very significant amount of work in so many areas that many women in our community have done and are doing for the benefit of our community. I congratulate the award winners, but I would personally like to add my congratulations to the thousands of female volunteers in our community from so many walks of life who do such a wonderful job in making this community a better place and in helping disadvantaged individuals make their lives a little easier. Women in the various professions and in the work force contribute so much to the thriving place that Canberra is and to the thriving economy we now see. Canberra is Australia's best kept secret. It is one of the best places in the world to live. That is in no small way due to the efforts of many people in our community, many of them women.

Question resolved in the affirmative.

ENVIRONMENT PROTECTION AMENDMENT BILL (NO 2) 1999

Debate resumed.

MS TUCKER (4.52), in reply: I have taken the concerns that Mr Smyth raised before lunch to the drafters and we have gone through the points that he has raised. I wish to respond to them now. We do not think that the Minister's advice suggesting that my amendments to the Auditor-General Act would reduce the entities that the Auditor-General can audit is accurate. I should point out that this Bill is modelled on provisions in the Commonwealth Environment Protection and Biodiversity Conservation Act. In that Act there is a note that the Commonwealth Auditor-General Act lets the Auditor-General audit an agency's compliance with these reporting requirements. It is quite obvious that, if agencies are putting information on ESD in their annual reports, the

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Auditor-General needs to be able to have the power to check that information to ensure that it is accurate, as the Auditor-General can do with other aspects of the operation of agencies.

In drafting this Bill, it was thus necessary to ensure that under the ACT Auditor-General Act the Auditor-General had sufficient power to review this aspect of annual reports. I should point out that it was the Greens that inserted the provision in the Auditor-General Act that the Auditor-General can take into account environmental issues in performance audits. When drafting this Bill, it was pointed out to us by the parliamentary drafters that there was an inconsistency between the Auditor-General Act in terms of which entities can be subject to performance audits and the Annual Reports (Government Agencies) Act in terms of which entities are required to provide annual reports. We took the view that it would be better for this part of the Auditor-General Act to be consistent with the Annual Reports Act in terms of the entities covered.

It was also our opinion that the definition of “public authority” in the Annual Reports Act was slightly broader than the definition of “Territory entity” in the Auditor-General Act. “Territory entity” is defined in the Auditor-General Act as:

- (a) a Territory authority; or
- (b) a public sector company.

“Territory authority” is not defined, but it is assumed to mean ACT statutory authorities. “Public sector company” is defined as:

- (a) a subsidiary of a Territory authority;
- (b) a Territory owned corporation;
- (c) a subsidiary of a Territory owned corporation;
- (d) a company prescribed by the regulations; or
- (e) any other company in which the Territory or another Territory entity has a controlling interest.

“Public authority” is defined in the Annual Reports Act as:

- (a) a Territory instrumentality;
- (b) a statutory office holder declared by the Minister by instrument to be a public authority for the purposes of this paragraph; or
- (c) an authority, tribunal, commission, council, board, institute, committee, organisation or other body that is established by or under an Act and declared by the Minister by instrument to be a public authority for the purposes of this paragraph.

A territory instrumentality is subsequently defined as a body corporate that is established by or under an Act or under the Corporations Law. I will not read out the whole of the definition, but it does include territory owned corporations and corporations subject to direction or control by a Minister or with a governing body that has a majority of persons appointed by a Minister or an agency or instrumentality of the Territory. I should note

that the definition of “public authority” does not include an administrative unit as these are basically the various departments as declared in the administrative arrangements under the Public Sector Management Act. There is a similar distinction in the Auditor-General Act, which refers to departments as distinct from territory entities.

The conclusion we have reached, which has been confirmed by the parliamentary drafters, is that the definition of “public authority” is very similar to but slightly broader than that of a territory entity in that the definition of “public authorities” includes statutory office holders and other statutory councils and boards. The difference of opinion I have with the Minister appears to relate primarily to whether subsidiary corporations and other corporations where the Government has an interest are covered under the Annual Reports Act. I do not think that this is such an issue because the Auditor-General is required to audit the annual reports of territory owned corporations and their subsidiaries anyway under the Territory Owned Corporations Act.

The question appears to be whether the Auditor-General would still be able to do performance audits of subsidiary corporations if this Bill were passed. This question really comes down to arguments over the legal meaning of the various definitions used in these Acts, which is always hard to resolve. It should also be noted that most of the subsidiaries included in the Minister’s advice are subsidiaries of ACTEW. If the ACTEW/AGL merger goes ahead, the auditing arrangements for ACTEW and the very existence of these subsidiaries will, no doubt, be turned on its head.

I also have to question the Minister’s advice because there appear to be some straight errors in it. The Minister mentioned in his speech that the Assembly Secretariat could no longer be performance audited under my Bill. However, section 20 of the Auditor-General Act states clearly that the Assembly Secretariat is regarded as a department for the purpose of audit and my Bill has no effect on the audits of departments. The advice also mentions Bruce Operations Pty Ltd, but I understand that its operations will be subsumed by the new stadiums authority, which would be covered under the definition of a public authority.

The Superannuation and Insurance Provision Unit was also mentioned as not being covered by my Bill. My understanding is that this unit is not a statutory authority, but a unit within the Department of Treasury and Infrastructure which would be covered as part of the ability of the Auditor-General to performance audit that department. I think that the people who are interested in supporting this legislation have understood that and are comfortable with it.

I will respond now to the other points that the Minister for the environment made in his response to this legislation. I must say that I was really disappointed with his response. The Minister for the environment was saying, basically, that this proposal involves more bureaucracy and we do not want to have to deal with that. That is a statement of value which is quite appalling from a Minister for the environment. What is the meaning of that statement? In annual reports we require agencies to report on particular issues - economic accountability, working within budget, outputs, whether services are being delivered and

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so on. The Government tell me that they do this anyway: They are good financial managers, their departments are good financial managers, and their departments are working to best practice, getting 100 per cent for their policy advice.

We know that the Government is proud of what it is doing in governing the ACT, but we do not hear the Government saying, "Because they do that, we are not going to put down more bureaucratic processes and say that you have to report on them". The Government is not saying that. The Government is saying that it matters that the ACT community can see through the annual reports that things are being done in the way that they should be done. Mr Smyth is actually saying that the environment is not important enough to report on, otherwise he would have said, "Yes, we recognise that this is important, that this is a good idea". The Federal Liberal Government has understood that it is a good idea. The whole issue of state of the environment reporting is something that has been embraced by this Government, but it is pulling back from this one, which is really hard to understand.

It is also of concern to me that one person in this place, Mr Rugendyke, said in response to my private meeting with him that he thought it was too general and subjective to report on this issue. When we first introduced state of the environment reporting people were not totally clear on how that would be done, but in introducing it they said, "This matters. We will develop it and it will become more sophisticated as we do it". I remind members that ESD, ecologically sustainable development, is not something that just happened yesterday. I hold in my hand from December 1992 the national strategy for ecologically sustainable development which was agreed to by all States and Territories and the Federal Government. It was recognised as a joint commitment to find ways to ensure that ecologically sustainable development occurs.

At 5.00 pm the debate was interrupted in accordance with standing order 34. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS TUCKER: The goal of ecologically sustainable development is:

Development that improves the total quality of life, both now and in the future, in a way that maintains ecological processes on which life depends.

The core objectives are:

to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations

to provide for equity within and between generations

to protect biological diversity and to maintain essential ecological processes and life-support systems

The guiding principles are:

decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations

where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation

the global dimension of environmental impacts of actions and policies should be recognised and considered

the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised

the need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised

cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms

decisions and actions should provide for broad community involvement on issues which affect them.

The strategy concludes:

These guiding principles and core objectives need to be considered as a package. No objective or principle should predominate over the others. A balanced approach is required that takes into account all these objectives and principles to pursue the goal of ESD.

Mr Smyth says that they do it now. I am really glad. If they think that they do it, what is wrong with reporting on how they do it.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3

MR SMYTH (Minister for Urban Services) (5.04): Mr Speaker, I still disagree with Ms Tucker's understanding of the situation. The advice I have is that it does still create problems. In the interest of putting together good legislation, I have an amendment that I will circulate. It has a neater answer, which is simply to allow the Auditor-General, in compliance with proposed subsections (1) and (2) of Ms Tucker's Bill, to conduct

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performance audits. It is a solution that cleans it up and leaves no doubt. I circulate that amendment. As a consequence of that, clause 4 and the Schedule should be deleted. They are no longer necessary as a consequence of allowing the Auditor-General to do that job. I move:

Page 2, line 22, after proposed new subsection 148A (3A), insert the following new subsection:

“(3A) The Auditor-General may audit compliance with subsections (1) and (2).”.

MR CORBELL (5.05): Mr Speaker, the Labor Party is quite happy to support this amendment. I think that the issues have been overly canvassed. However, Mr Speaker, I must raise a concern. Does this amendment indicate that the Government is now supporting this Bill? Is it the Government's intention now to support this Bill? This morning Mr Smyth stood up and said that the Government saw no reason to support this Bill. This morning the Minister stood up and said, “We do all these things already and there is no reason to support this Bill”. Is there now a change of mind from the Minister? What is going on, Mr Speaker? I am not very clear on that. Perhaps the Minister can clarify it.

I raise that concern simply because the Minister did not call for a vote in the in-principle stage, which would be the normal practice if you were opposed to the legislation, but he did not do that, Mr Speaker. I would just like some clarification of what is going on. I think it has been explained quite clearly that these proposals are not radical. Indeed, as Ms Tucker pointed out, there has been agreement nationally that these types of measures should be in place. Mr Smyth's action in standing up this morning and saying that the Government does all these things already and this Bill is not needed is not backed up by the stance taken by his Federal colleagues. Equally, it highlights the fact that this Government is developing the very bad reputation and this Minister is developing the very bad reputation of saying a lot and doing very little.

MR SMYTH (Minister for Urban Services) (5.07): Mr Corbell can make those sorts of assertions any time he wants, but he cannot decry what this Government has done over the last five years in terms of protecting the environment. It is well known round Australia and it is well known within the ACT that this Government has made significant steps forward in the way that it protects the environment. Mr Speaker, it is quite clear that Ms Tucker has the numbers on this Bill. We can spend a whole lot of time calling for votes and following the example of the Labor Party yesterday - I assume that they will do it tomorrow - and filibuster or we can allow the Assembly to get on with its business in a reasonable way.

Something that you do not often get from the Labor Party is reasonableness about things. We could oppose the Bill, yes. We could get everybody down here. Nevertheless, they would win the vote. I have concerns that the legislation as put forward by Ms Tucker does not achieve what she wants. The Assembly has said clearly that it would like this Bill to go ahead and it behoves us all to make sure that the legislation we pass in this place is as good as we can make it. Ms Tucker got some advice over lunch. I have advice from my officials that there are flaws in this legislation. If it is the will of the Assembly to pass

this Bill, it should be up to all of us to make it as it is intended to be enacted and make it good legislation. The amendment that I have put forward simply allows Ms Tucker to achieve her aims. That is the will of the Assembly. It is up to us to make sure that the legislation we pass in this place is not a joke, is not ineffective or does not carry out what the Assembly wants.

I am happy to withdraw the amendment and pass Ms Tucker's legislation in a way that might not achieve what the Assembly now wants it to achieve; but by being reasonable, which is not something we often have from the other side, I have suggested a way that will take away any doubt that may hang over the legislation. Surely it is the responsibility of us all in this place to make good legislation. This amendment is an improvement on what the Assembly wants; we should simply pass it.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4

MR SMYTH (Minister for Urban Services) (5.10): Mr Speaker, clause 4 is no longer necessary. The clause should go, otherwise you would be changing the definitions set out in the Schedule, which is no longer necessary.

Clause negatived.

Schedule negatived.

Title agreed to.

Bill, as amended, agreed to.

ADJOURNMENT

Motion (by **Mr Smyth**) proposed:

That the Assembly do now adjourn.

Stromlo High School - Boys' Off-Line Program

MR CORBELL (5.13): Mr Speaker, I rise in the adjournment debate this evening to talk about some issues which have been raised with me over the past week and in which I think members will have some interest. Mr Speaker, last Friday I had the privilege of meeting a very large number of young people who had been students or were still students at Stromlo High School. Those students were, all in all, a very intelligent and articulate bunch of young people. I met with those people because of their concerns about the closure of the boys' off-line program at Stromlo High School. A number of them made comments to me that are worth repeating in this house.

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At that meeting, I met one young woman who had gone through the girls' off-line program. That program has not been cut; nevertheless, it is an example of what is being lost for boys. Mr Speaker, this young woman said to me that when she went to the off-line program her family was in trouble. They were facing a divorce in the family. It was not a pleasant situation for her. She was in Year 7 at the time. Mr Speaker, through the off-line program for girls at Stromlo High School she was able to receive peer support and mentoring from a dedicated teacher which enabled her to restore her self-confidence and enabled her to go through some courses in independent living skills which she found so important to being able to cope on her own. She is now living with her sister and is also a peer support person for a younger person in the school.

Mr Speaker, she said to me that if it had not been for the off-line program at Stromlo High School, she would not be in college. That says volumes about the value of these programs. It says volumes about the dedication of the teachers who run these programs. It is devastating news to so many families and young people at Stromlo High School that these programs are being wound back, all because of the refusal of Bill Stefaniak as the Minister responsible for education to provide the additional support to Stromlo High School which could keep that program going in its current form. The old motto applies, Mr Speaker: If it ain't broke, don't fix it. The problem is that this Government has walked away from that program.

I met another young person and his father at my meeting on Friday. The young man is 14. He was in the off-line program for boys. He received no advice that the program was going to be cancelled. No consultation occurred with him or with his father. His father was left to fend for himself in trying to find an alternative for his young son. Eventually, he was successful in getting a placement for his young son with the Galilee program, an excellent program run on the Kambah Pool Road. But he got no help from the department. He got no help from the school. He got no help from the facilities that Mr Stefaniak said in question time today were available as alternatives and in place. Mr Speaker, that is just a dismal situation. A 14-year-old boy, a young man, was left to fend for himself and his father, a sole parent, was left to fend for himself in finding an alternative place. The alternative for that family was that that young man would be out of the school system entirely. That is a devastating critique of what is occurring at Stromlo High School at this very moment.

The Minister can stand up in this place and put forward all the justifications he likes about why it has happened and he can put forward all the justifications he likes about why there are alternatives. But the fact is that this program worked. I have gone round and met with many of the young people and their parents and, overwhelmingly, their commitment to this program is passionate. It is passionate because they know that they or their children would not be in the position they were in today if they had not been able to access it.

Bill Stefaniak should have a heart, quite frankly, and extend to Stromlo High School an offer to provide the small amount of funding needed to provide for that program to continue in its current form for an ongoing period. Mr Speaker, that is a reasonable thing to do. Stromlo High School is the only public high school in the Weston Creek area. It has been a school, as with any other high school, which has had its fair share of troubled young people. Unlike most other high schools in the ACT - indeed, unlike any other high

school in the ACT - it has had in place for 18 years an effective program which has been able to deal with the problems of young people, to stop them falling through the cracks, and has been incredibly successful in doing so. Mr Speaker, if this Government can find \$8m to race V8 supercars around the Parliamentary Triangle, it can find a small amount of money to keep the off-line program going at Stromlo.

Royal Canberra Show - Public Service Booth

MS CARNELL (Chief Minister) (5.18): Mr Speaker, I am pleased to tell the Assembly that the ACT Public Service booth at the Royal Canberra Show last weekend was a great success, resulting in the ACT Government winning the best community non-profit organisation display. It was the first ACT Public Service booth at the Royal Canberra Show, so it is wonderful that it won the award. The booth featured interactive and static displays and competition and health testing, as well as free Internet access, made possible through the assistance of InTACT and Telstra.

Officers from across the ACT Public Service worked at the booth over the three days of the show, having nearly 3,000 conversations with people about services and initiatives and providing people with around 9,000 promotional items about our services. Many visitors to the booth commented on the friendly and professional approach of the staff and commended the ACT Public Service for taking the proactive step of promoting key services and recent initiatives. I am sure that all members, possibly with the exception of Mr Berry, would like to congratulate and thank all of the staff involved in organising and working at the booth. It was an absolute pleasure to be there and see ACT Government employees with big smiles on their faces, obviously very proud of the job that they do.

Question resolved in the affirmative.

Assembly adjourned at 5.20 pm